



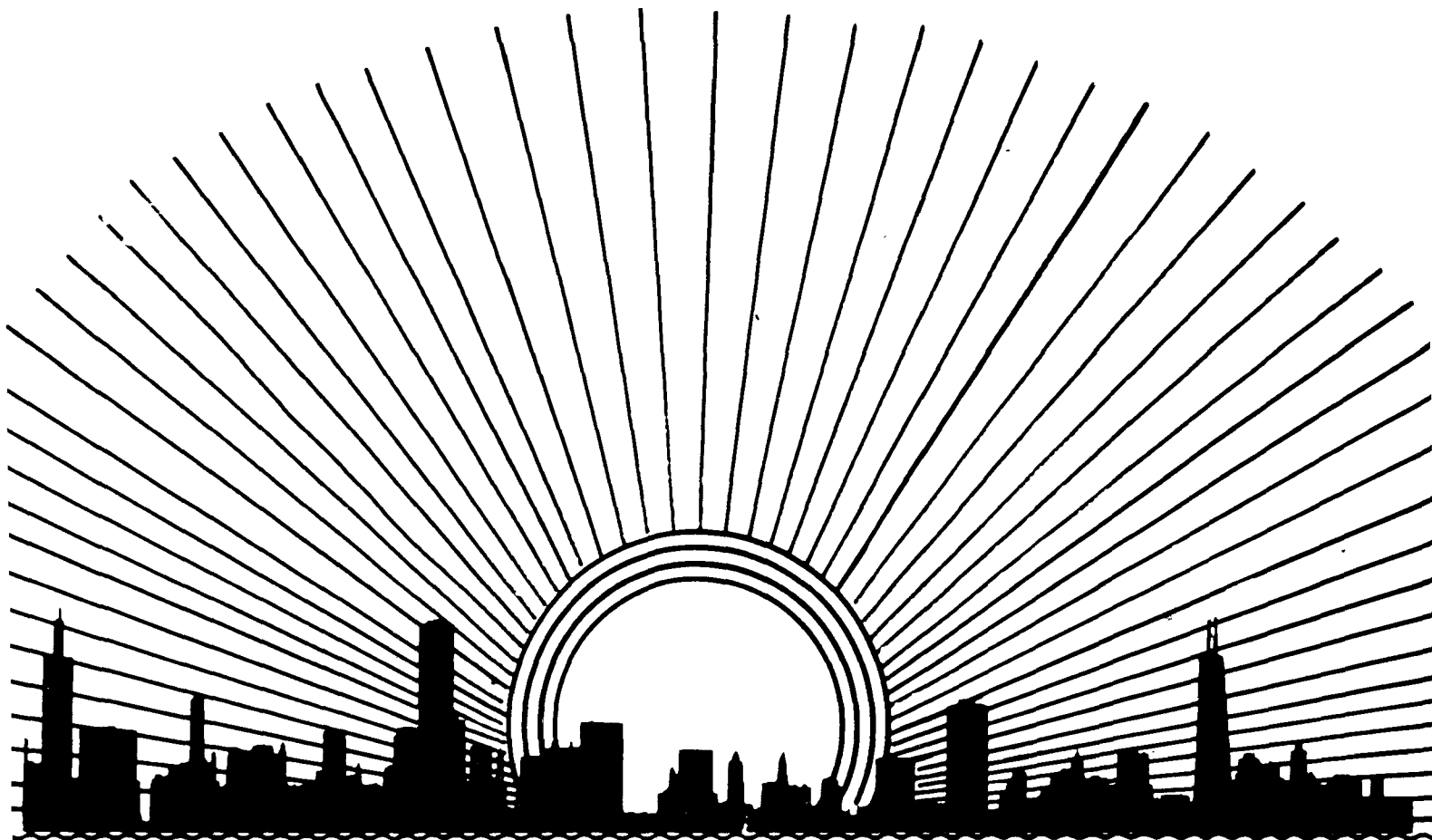
United States
Environmental Protection
Agency

Region 5

905R85105

May 13 - 15, 1985

SENIOR STAFF CONFERENCE



SENIOR ~~MANAGEMENT~~ CONFERENCE

MAY 13 - 15, 1985

Lee Thomas has been delivering a basic 4-point management plan when addressing the public. These four points are:

1. Make sure our priorities are those that can have important environmental results. Implement programs so that we focus our resources to achieve important environmental results. Agency management must take steps to ensure that measuring those results becomes central to accountability. Over the next few years, adjust internal accountability system to complement and sometimes replace administrative measures with indicators of environmental progress.

(In his address to our employees, Mr. Thomas altered this topic to good implementation of basic programs. Our summary includes all already cited above, and what follows:

Improve Agency planning process. Identify and quantify objectives. Move away from the in-box. Move forward to make environmental progress. Emphasize Superfund and Hazardous Waste, but don't divert attention from Water and Air.)

2. Basic management responsibility should be at point closest to the problem, but still capable of maintaining accountability. Continue statutory thrust to decentralize programs

and delegate added responsibility to Regions and States.

Define roles at various levels. Establish good, formal agreements in grant programs.

Increase flexibility for States and localities to implement Federal standards. Make sure we strengthen our technical support and oversight. Change policies and practices that impede this movement.

3. Make sure we have a strong scientific and technical capability to support decision-making. Collect information from a multimedia perspective for planning pollution control. Improve our monitoring, reduce risk, not merely transfer it. Measurable risk management integrated across environmental media. Knowledgeable participation of States and localities. Improve monitoring capabilities to ensure measurement of environmental results. Ensure good technical capabilities of staff.
4. Openness to assure that the public knows what we're doing and that we know their concerns. Increase the emphasis given to community involvement and public education. All line

programs develop community relations and public outreach strategies. Establish forums that consistently provide input from the public as we make decisions. Explain agency actions to the public.

He has expanded his 4-point management plan, with two added points.

These are:

5. Strong enforcement emphasis in each program. Division Director is an accountable manager in every medium. Assure Federal agencies comply with environmental laws. Work to achieve compliance. Timely and appropriate enforcement.
6. Assure that we have a strong, competent staff. Recruit the best people. Retain and reward staff. Develop staff - provide career growth and challenges. Develop and implement human resources management concepts in EPA.

The total of 6-points in the Lee Thomas management agenda serve as the basis for our senior staff conference. Prior to the conference, several topics were proposed by employees and managers, which fit into the Thomas management agenda, additional topics suggested are listed under the headings of "Supervision and Performance" and "General Management."

All 8-points are summarized below:

ENVIRONMENTAL RESULTS

- ° State involvement in the process must be fostered from the top (i.e., RA's office).

--- employee group

- ° What long-term environmental improvement are we seeking; have we systems in place to get us there? How will we know (indicators)? What is the State role?

--- Springer

- ° What are the payoffs from EMRs, etc.? Can we cite them?

--- senior staff meeting

- ° Alm's question about managing for environmental results - are we leaving matters at the level of each medium's existing program contribution to environmental improvement?

--- Al Alm

- ° Does this Region want to be creative and daring in this area?

--- Springer

- ° What are feedback mechanisms to RA/DRA on priorities?

--- Springer

DECENTRALIZE PROGRAMS AND DELEGATE

- ° Are our relations with the States working well (e.g., Illinois' complaints)? Can they be improved and how? (see tab section)

--- Adamkus

- ° The quality assurance regulation needs to be fully implemented so that grants are not endangered. ESD's capacity to implement the Regs. was questioned.

--- employee group

- ° Compliance with QAPP.

--- Sanders

- ° Sanctions/Incentives: performance based grants. The States need to see both sanctions and incentives to complete their program obligations. While the draft policy on performance based grants does include both sanctions and incentives, the incentives portion in particular is somewhat inadequate. (see tab section)

--- employee group

- ° State workplan quality varies for each program area. We need to insist that the quality of workplans is the same (e.g., RCRA and Water).

--- employee group

- ° Major program growth such as is occurring in Superfund requires quick, easily updatable materials to:

- a. get new people up to speed
- b. keep people current as changes occur.

Perhaps HQ could prepare basic issue training cassettes for this purpose.

--- employee group

- ° Support organizations need briefings on major new requirements, e.g., SCAP.

--- Springer

- ° What is the post-delegation workforce supposed to do?
Does it really require changes in behavior and skill?
How do we do that?

--- Springer

- ° State relations: what are the strengths and weaknesses of our current systems? What improvements should be made?

--- Springer

- ° Enforcement: is the partnership with the States real?
Are the agreements adequate?

--- Springer

- ° Are we satisfied with progress on implementation of Headquarters/Regional relationships (Executive Summary and PAB analysis under tab).

--- PAB

- ° State Coordinators' role.

--- last retreat

SCIENTIFIC AND TECHNICAL CAPABILITY

- ° The EPS classified employees are too often perceived as "second class" citizens within the organization. They are, however, technical people and should be treated the same as technical people in the "scientist" and other series. (N.B. Cross reference Bollo memo under General Management Topics, "Results of Performance Standards Review" -- Region V has abnormally high percentage of EPSs, compared to other parts of EPA.)
 - employee group

- ° Is the Region V monitoring effort effective?
National Journal raises several issues, regarding the data, collection and use (see tab).
 - PAB

- ° Are the TCC, GWCC, and in-place pollutants task force effective or appropriate means to address these issues across media lines?
 - Springer

- ° What is the future of the GWCC: how well is it operating; how to get WMD more involved?
 - Sutfin

- ° Are we and States planning our monitoring programs effectively? Are the resources there to do the job?

--- Springer

- ° What is Region V perspective on National Monitoring Strategy workgroup? (Enclosure)

--- Springer

- ° Effective use of PC technology by mid to upper level management.

--- Sanders

PUBLIC OUTREACH

- ° Has PAO gotten the feedback on its outreach strategy it needs to work with programs effectively? (see tab.)

--- Springer

- ° Does the RA have emphasis or special initiatives for the Region?

--- Adamkus

- ° Does Superfund community relations strategy suggest changes for other media programs? (see tab.)

--- Thomas

ENFORCEMENT EMPHASIS

- ° Federal facility compliance questions continue to plague the Region's management.

--- Levin

- ° Do Division Director's standards reflect an enforcement approach?

--- Thomas

HUMAN RESOURCES MANAGEMENT

- ° The need to strengthen the bonds of communication, cooperation and mutual support among our secretaries at all levels. Do we need a secretarial management retreat?

--- Kee

- ° Rotational training program, high potential program for professional staff.

--- Sanders

- ° More aggressive training of clericals to better utilize word processing equipment; upgrading clericals (money).

--- Sanders

- ° Personnel/Recruitment Standards

Attention should be paid to the personnel system in order to assure that high standards are set and that we get excellent people. There seems to be too much of a tendency to accept mediocrity. The performance standards could be used to grant raises. We need more ways to reward a job well done.

In order to prevent mediocrity once people are hired, we must strive to select the best people at the beginning. The checklist approach of the SF-171 hurts our recruitment of top people.

Alan noted at this juncture that while some things could be done to make the system work better, there are real constraints which limit us. For example, veterans preference is part of the system.

--- employee group

- ° Need to develop people with experience across Division lines for current and future openings. PAB, GW, and other jobs are appropriate for rotation.

--- Sutfin

- ° Senior staff rotation should be real possibility, so future career paths open.

--- Levin

- ° Supervisors and managers are not using direct hire, Schedule B and other flexible recruiting techniques (see tab).

--- Springer

- Human Resources

Before Al Alm left the agency, he circulated a memo urging a strong human resource policy/program. Questions as to the implementation status of that program were raised. Alan Levin traced some of the history of the program and highlighted some examples of what was being done. He noted, however, that the failure to make employees aware of these activities was a major problem.

--- employee group & Levin

- Human Resources

Prior to the senior staff retreat, Nick Bollo interviewed several members of the senior staff regarding human resources management; his summary is behind the tab.

--- Bollo

- Upward Mobility

The upward mobility program was praised as a good idea. However, participants felt that the program could be better defined for each individual. There was a sense that specific training on the roles/responsibilities of the individual would help. Some sort of "measuring stick"

was also suggested to guide the employee and help them assess how well they were doing the requirements of their job title.

--- employee group

° Training

A number of issues related to training were raised. The issue of timeliness in regard to training was viewed as a problem. While the training calendar does come out early, there should be some sort of follow-up system to remind people about specific training opportunities.

There was also concern voiced as to whether or not training information was filtering down quickly or at all. Do notices of training opportunities stop at the Branch or Section Chief's desk?

--- employee group

° Affirmative Action

How well are the affirmative action goals for minorities in supervisory positions being met? Recruiting for minorities has been confined to the 6-state Region V area. We need to tap a wider area and particularly focus on Black colleges.

--- employee group

- ° Supervisory Grooming

We should do more than just formally train supervisor. People with supervisory potential should serve on rotational assignments in areas like PAB, State project officers, and State coordinators. The assignment would provide the necessary agency perspective as well as acquainting them with specific program, budget, planning and policy activities.

--- employee group

- ° Awards System

The award system is sometimes viewed as too politicized. There also is some perception that performance reviews rate low in order to keep down the number of awards, especially in time of tight budgets.

Alan Levin noted at this point that the performance appraisal system would be discussed and assured participants that the Region had no quota for awards. In regard to finding more ways to reward good work (see above) noted that we didn't want to cheapen awards by having too many.

--- employee group & Levin

- ° A calendar of awards should be developed along with a month in advance "tickler" system to remind people. Region V gives less awards than other Regions. We are getting better and we don't want to cheapen the award process but more could be done.

--- employee group

- ° Review Panels

Review panels provide reviewers with a good opportunity to learn more about the hiring policies, how successful SF-171's are prepared, and what the various job classification skills are.

--- employee group

- ° Awards

Do we have an adequate dollar range in our awards?

--- anonymous managers

SUPERVISION AND PERFORMANCE

- ° Supervisors need better training especially in relation to dealing with the problem employee. They should learn to recognize problems before they become full blown. Supervisors need both the knowledge and confidence to deal with problems before they become major. Alan Levin noted that many supervisors have had supervision thrust upon them. He also explained the supervisory training already begun.

--- employee group & Levin

- ° In considering issues for the retreat, I've come up with a number of items which can all be related to the performance management system. Briefly, these items are:

Ratings:

- the curve concept, its implementation and how management presents it to our employees
- the use of the same curve for supervisory employees
- training, or workgroups to discuss performance evaluations and foster a more consistent approach across the Region

Performance Standards:

- establishing standards that have greater consistency across the Region
- periodic additions to standards to recognize "the latest initiative"
- appropriate standards for office/divisions which provide support to program implementation, but are not directly accountable for the actual outputs they impact.

--- Constantelos

- ° Proliferation of generic items for incorporation into managers performance standards. We are deviating from the original intent, formal agency guidance and, in the process, restricting usefulness of the standard.

--- Sanders

- ° Personnel has completed another analysis of standards, scores, and awards. That analysis is under the tab.

--- Bollo

GENERAL MANAGEMENT TOPICS

° Compressed Work Week Schedules

It appears that senior management does not support the idea of the compressed work week. However, based on an informal survey in one Division, it appears that middle management sees an improvement in the use of sick/annual leave because of the compressed work schedule.

The staff conceded that compressed work week might cause some problems for supervisors but that the benefits for staff were significant.

The 6:30 a.m. starting time was criticized. One attendee felt that the time between 6:30 and 7:00 was non-productive time and suggested that a 7:00 start time should be the earliest, it was also suggested that the earliest end time should be after 3:30 p.m., due to the tendency of work to stack up in the late afternoon. Staggering departure times would also be a way of assuring that adequate coverage for the office was available.

--- employee group

- ° Compressed work week/flextime: should the "standard" work day be compressed to eliminate very early start times and very late completion times?

--- Sanders

- ° Prior to the conference, Personnel completed an analysis of alternate work schedules. Their analysis is under the tab.

--- Bollo

- ° Timeliness

Citing the invitation to this meeting as an example, the issue of timeliness was raised. Often by the time letters, requests, etc., get to the person responsible for answering the turn around time is extremely short. Designation of someone with each office to expedite and track these things might help get requests to the proper people and responses back in a timely fashion.

--- employee group

- ° SPMS

This problem may be unique to the Air Program. The Air program needs specific input from Regional Counsel as part of its SPMS reporting process. The crunch comes at the end of the quarter when Regional Counsel has their hands full with their own SPMS reporting. Could some SPMS reporting be done on a month-to-month basis to avoid the crunch at the end of the quarter? Is this a problem between other Divisions and Regional Counsel?

--- employee group

- ° "Turf Issues"

There appears to be a lot of competition between the program offices with resultant insularity and turf battles. It would be more productive to articulate the agency goals and make these known to all employees. By fostering an integrative approach (i.e., how each piece fits into the articulated "whole" or mission) some of the worst excess of turf battles might be overcome.

--- employee group

- ° Data Processing

What are the implications of the number of PC's coming into the Region. How will this affect work station design, time budgeting, etc.?

--- employee group

- ° Grade Inequity

The growing inequity between staff attorney grade levels and those of program professional staff doing equal level work.

--- Kee

- ° Lapse

Who controls lapse? Some Divisions are hiring as if they do, not the RA.

--- Springer

- ° A review of some of our management successes, e.g., managing lapse and awards.

--- Kee

- ° Perceived need for more personnel in Personnel Branch.

. --- Sanders

- ° How can Personnel Branch and Divisions work together more constructively?

--- Sutfin

FOLLOW UP

- ° These types of sessions are useful and should be held more often and at the Division/Branch level.
We agreed to report back to the participants on the outcome of the retreat. We agreed to hold a second session with the group after the retreat.

The group suggested that a memo on the retreat be sent to all employees afterwards. This memo should detail the issues discussed and their resolutions.

RA/DRA need to get around to the various work areas more just to be seen.

--- employee group



United States
Environmental Protection
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12 copies

"The Next Four Years: An Agenda for Environmental Results"

Address by
Lee M. Thomas
Administrator
U.S. Environmental Protection Agency
at the National Press Club
April 3, 1985

George Bernard Shaw once observed that there were two kinds of work in the world. The first consisted of moving objects from place to place on the surface of the earth and the second consisted of telling other people to do so. While environmental protection consists largely of the first type—moving stuff from a place where it may do harm to a place where it won't—EPA's role is to define when, where, and how the move should take place.

Doing this sort of work right requires an enormous amount of careful thought. "Careful" because the laws of nature, which rule that work, are unforgiving, and not subject to amendment on Capitol Hill. Doing it right also requires a minimum amount of stability, continuity, and consistency. It can't be done in a firehouse atmosphere. If it is done "carefully" and "right", the benefits for us and our children can be immense.

For that reason, we must dedicate the next four years to obtaining measureable environmental results. We must improve the management of our programs and increase our understanding of what the Federal environmental protection enterprise can really accomplish.

Beyond that, we must begin to pursue a neglected facet of EPA's original charter. That is the integration of all environmental programs into a managed system, capable of focusing Federal authority on the reduction of environmental impacts wherever they are found, in the most effective and efficient way.

This is a pragmatic approach to a set of issues that have often been dominated by symbolic and political concerns, but I think its time has come. EPA has been given—perhaps not in the most thoughtful way possible—an almost frightening armory of powers. It can affect almost every aspect of American life—what we eat and drink and how much we pay for it, what we drive, what kind of gas we use, the kinds of jobs we can work at—from the laundry room to the board room. EPA is there.

This power makes it vital that we stay smart about where and how we insert it into our society. Americans have said over and over again that they want environmental protection, and that they are willing to sacrifice other goods to get it. What they haven't said, and won't say, is that they are willing to make sacrifices for *nothing*, or, at any rate for not much.

That is why I stress results. EPA is under obligation to show what we have accomplished in terms of concrete environmental values. Not how much money we spent, or how many people we employed or how much paper we moved. People want to know, is the air cleaner? Is

the water cleaner? Have risks been reduced? Have the most risks been reduced for our cost and theirs?

We must make sure that our efforts over the next four years are concentrated on the reduction of important environmental risks, at places and in situations where the Federal power is *essential*. It is not efficiency alone that demands this discipline.

Nothing erodes the public's tolerance of a regulatory agency more than the imposition of burdens that appear to have only petty results in terms of some substantive public benefit. At the same time, nothing erodes the public's faith in a regulatory agency more than the appearance that it is not, for whatever reason, acting aggressively in the public interest.

My perception is that we have at this point achieved a reasonable balance between these two poles. I don't want to see the pendulum start swinging again, because if it does, the Agency will once again be distracted from its important goals by controversy and political friction.

We have to be particularly careful at present because we are moving to control areas that will have a more direct effect than ever before on the daily lives of our people. For example, we have implemented inspection and maintenance programs that Congress mandated for automobiles in about thirty metropolitan areas that do not meet air pollution standards. We are in the process of removing most of the lead from gasoline, which will affect millions of people across the country. And we are looking at controlling the vapor released when you fill your gas tank, which may add to the inconvenience of filling up the family car.

As we continue to focus on improving the performance of our sewage plants, people may see their sewage bills going up. In extreme cases, as happened recently in one major city, new connections may have to stop until the necessary improvements are made. The imposition of expanded federal drinking water standards requiring increases in monitoring costs for local governments may result in water bill increases in many communities.

Perhaps the most widespread of these more personal impacts will occur in the thousands of communities affected by our programs to control hazardous waste. We must decide how much to clean up Superfund sites and where to treat, store and dispose of the more than 250 million tons of hazardous waste we produce each year. These decisions are site-specific. They may change from site to site, depending on unique site characteristics of each. In every instance, however, there is a concerned community that will be affected by what happens.

With that potential to affect people, the obligation to focus our resources to achieve important environmental

results should be obvious. But it isn't that simple.

In the first place, we always—always—underestimate the complexity of the environmental problem we want to control and the difficulty of operating the control program. In other words, what comes out of a committee room in Washington as a mandate often has little connection with what comes out of some pipe in Ohio. I consider this to be one of the greatest lessons that can be derived from fifteen years of Federal environmental protection efforts.

In the second place, EPA is not so much a coherent national program to manage pollution as it is a reflection of the success that many independent interests have had in getting their positions established in the law. There are air interests, drinking water interests, fish interests, and interests devoted to particular diseases.

There is the regulated community, of course, with another host of interests. And the pollution control industry, a new big business, has interests of its own. Carried to the extreme, the success of these interests could burden EPA with a set of mandates so vast that no resource base within the realm of economic reason could possibly carry all of them out.

We must choose to do the things that seem to us to be important, and do them well. We must tell people why we think they are important and why we didn't do other things we think are less important.

This is a sure recipe for getting flak, since the interests that your priorities have served take it for granted, and the interests you have not served pillory you for neglect. But the alternative is to pretend to do all the things we are on the hook for doing, and set up programs that create a lot of sound and fury without really accomplishing much. Nobody at EPA wants to do that.

What, then, are some of the important problems? Where do we think our efforts must be concentrated over the next four years to achieve the maximum environmental improvement? Such efforts must involve taking fresh looks at the problems of the older programs that form the backbone of EPA. They also include ensuring that some of the newer ones are making progress in real environmental terms.

Sewage treatment is important. We have spent nearly \$40 billion on this program. The good news is that a steadily increasing percentage of Americans are being served by adequate treatment; 57 million people have been added to the system since 1972.

However, 13% of the 3600 largest systems do not comply with their permits. Others are overloaded or subject to frequent breakdowns. Many communities have chosen not to, or are not able to, operate and maintain their plants properly.

In addition, in order to meet the legal requirement for universal secondary treatment there remains billions of dollars worth of new construction needs. But half of this "unmet need" exists on streams that meet water quality standards already. Is this a good investment? If so, who should make it?

Our efforts in this area will be focused on stiffening our enforcement against municipal facilities, and providing technical advice to the states on operation and maintenance problems. Additionally, we must do this while exploring ways for converting the federal construction grants program to something states and localities can manage on their own. It was never intended to be a permanent federal program.

Controlling ozone and the other major air pollutants is another important area. While I appreciate the concern about more exotic toxic air pollutants, we should not forget that controlling the criteria pollutants remains the best way of preventing public health and property damage from the effects of air pollution.

There are still 54 urban areas that clearly do not meet ozone standards and 72 areas that do not meet carbon monoxide standards. We have until 1987 to bring all of them into compliance. Also, we are starting to see that our basic strategy for dealing with these pollutants, a strategy that assumes that the major environmental effects are in the airshed where they are released, may be mistaken in some important cases. We may have to start taking a regional view when establishing pollutant limitations.

It is now also becoming apparent that atmospheric chemistry is far more complicated than we imagined only a few years ago. Many pollutants interact; changing the level of one may decrease or increase the level of another. Part of the difficulty we have faced in deciding on the best way to deal with the acid rain issue is only the most familiar of these problems. There are others.

We intend to take this new understanding into account as we work with the states over the next four years. Naturally, we hope that they are also taken into account as Congress considers reauthorization of the Clean Air Act.

Non-point source water pollution — another important area. If we don't do something about this kind of water pollution, which comes from drainage off farms and urban areas, then on many water bodies we will never reach the ambitious goals of the Clean Water Act. It won't matter how hard we clamp down on point sources such as industrial outflows. the water will stay dirty.

Dealing successfully with this kind of water pollution is a much more difficult matter than establishing required control technologies for industrial plants.

Successful attacks must vary with locality and often involve changes in land use or agricultural practices.

What we do about *non-point pollution* will have an enormous impact on the nation's wetlands—and wetlands are important. They are the most productive areas for a host of environmental values. In the past two centuries we have converted about half of America's original body of wetlands in the lower 48 states to other uses.

While we have been successful in protecting some particularly critical wetlands, it remains a fact that Federal, state and local programs do not deal with wetlands consistently. Some may encourage conversion while others try to halt it. At EPA, decisions affecting wetlands are typically made case-by-case, without an adequate strategic context, and they consume inordinate amounts of time and effort.

I have the sense that we are observing an enormously important part of our heritage being nibbled away without us taking the time to state how we would like it to be, now and into the indefinite future. We need a strategy that incorporates an analytic basis for making decisions about wetlands so that EPA's activities in this area will make long-term sense.

Finally, we have the problem whose apparent importance has eclipsed that of all others in recent years—what to do about toxic substances and all that hazardous waste.

I think we recognize that nothing is more critical than continuing and completing our review of all existing chemical and pesticide products. We must ensure that our most stringent health-based standards are complied with. At the same time we cannot neglect the thorough review of new products proposed for the market.

As far as hazardous waste is concerned, I am beginning to sense a change in attitude on the Superfund side of this issue reflected in the kinds of questions we have been getting from Congress. I believe this is the result of our increased understanding of the dimensions and complexity of the problem.

In its recent report, the Office of Technology Assessment came to an important realization, one that we in EPA had reached through first-hand experience. It is that our clean-up program is operating on the cutting edge of pollution control technology. Each site presents a complex and unique problem, whose solution strains current analytic tools.

Although we do not want to slow the momentum of the Superfund program, we must realize that we run the risk of serious errors if we try to force technical solutions at sites where they are really not appropriate. OTA recognized that it makes little economic or

environmental sense to undertake costly long-term clean-up projects until we are sure that we have the technology to do it right.

Of course, we must continue to locate immediate environmental and public health threats and deal with them effectively, which is what we have been concentrating on. Our proposed extension of Superfund will enable us to continue with these important actions.

If Congress keeps this in mind, I think we will get a better reauthorization than we could have expected a year ago. And four years hence we will have a good chance of saying that this seemingly intractable problem is under adequate social control.

On the RCRA side, we have created a program that is going to rattle through the entire economy of this country like a golf ball down a drain pipe. We generate over 250 million tons of hazardous wastes every year. During the next four years I would like to see us settle the debate about whether, where and when we should bury it, burn it, detoxify it, shoot it down a well, or stop it from being produced at all. I would like to see us make these decisions, and those connected with Superfund remedial action, on the basis of solid analysis of the risks and costs involved in all the options.

Additionally, I believe we need to pay a lot more attention to community relations in those places most affected by hazardous wastes, in the belief that local people can help us make intelligent risk management decisions when we share the available information with them. For that matter, citizens can contribute to making better decisions in all environmental areas. I intend to stress community involvement in each of our line programs.

I have been talking about concentrating on the important problems, but just as important is the manner in which we exercise this concentration. It is by now well known that pollution can move among the environmental media—from air to water, from surface water to groundwater, from water to soil, and so on.

But EPA is composed of individual programs, each carrying out a particular statutory mandate. These are typically focused on individual media. It is understandable that someone under the gun for instituting water cleanup may not have paid the closest attention to the effect on the air resulting from that cleanup. But someone should have. From now on, someone will.

Let me give you a few examples. I mentioned non-point source pollution as a priority. One way of preventing pollution of surface water from agricultural run-off is to institute certain management practices designed to keep water on the land for a longer time, so

that it will soak into the soil. But when it soaks into the soil it carries with it the whole chemical brew—pesticides, fertilizers, herbicides—that we use to keep our farms productive. We now have a pesticide-in-groundwater problem of unknown proportions. Obviously, anything we do to correct non-point-source pollution will have to take this transfer into account.

I also mentioned the importance of controlling criteria pollutants. Look at the foundry industry. This is a classic "smokestack" industry where we have done a good job in controlling these pollutants. Now the foundry industry has a serious water pollution problem, over eighty percent of which, in some foundries, comes from the wet scrubbers we mandated to control the air pollution.

Finally, I mentioned the importance of improving sewage plant performance. I will add that the settling ponds and lagoons used in many of these plants are, in a number of industrial areas, a significant source of toxic air pollutants. The toxics come from industrial plants that discharge into the sewer system.

We will be able to control much of this problem through pre-treatment—the removal of the toxic material at the source. But if you have followed my argument you can see that this is yet another inter-media transfer—from water into hazardous "solid" waste, which will have to be disposed of in some way.

This circle game has to stop. It is expensive. At best it is misleading—we think we are solving a problem and we aren't. At worst, it is perverse—it may increase rather than reduce pollution risks. It seems to me that the solution to this problem is the consistent application across all Agency programs of what we have been calling risk management.

Reducing risk—to human health and environmental values—is after all the reason we remove pollutants from the environment. It is the currency of our business. By closely watching the movement of pollutants that results from regulatory options and calculating the attendant risks for each we can assure the public that our actions are indeed connected with a measureable, permanent good.

Of course, once you start working with a risk currency, EPA becomes something more than the sum of its programs. We can start looking at the risk-reduction potential of the various programs and directing resources where this potential appears to be greatest. We intend to begin doing this as a normal part of our budgetary process in the coming years.

The approach has, of course, some obvious problems. It is relatively easy to compare the risk of a single public

health effect delivered via two different media. We can agree that a one in a million chance of getting cancer from drinking water is pretty much equal to the same chance of getting it through breathing something in the air. But what about comparing the chance of human disease with the chance of harming the marine environment?

I'll give you a concrete example. Let us say that if you incinerate particularly toxic wastes on land there is always some residual risk to the surrounding human population. If you incinerate at sea, that risk virtually disappears. But there is a quite small though still calculable possibility that something could happen to the incineration ship, with unpredictable effects on marine organisms. Do you allow the ship to sail?

I can't see how you could solve dilemmas such as this without a lot of information on risks, costs and probabilities, and without the ability to respond flexibly, depending on what that information yielded. Most important, you need that kind of information to communicate to the public how the decision was made, what your values are, and how you balanced all the factors involved.

In summary, then, I see a four-point environmental management plan emerging over the next four years. First we will make sure that our priorities are those that can have important environmental results. We will take steps to ensure that measuring those results becomes a central part of Agency management. Over the next few years I want to complement and in some cases replace the largely administrative measures in our internal accountability system with indicators of environmental progress for each program.

Second, we will continue the strong movement envisioned in our environmental statutes to decentralize our programs and delegate additional responsibility to Regions and States. Environmental protection is too large a dog to be wagged by a tail clutched in Washington. We intend to do everything we can to increase the flexibility with which states and localities may implement Federal standards. We will also strengthen our technical support and oversight role. We must continue to change policies and long-standing practices that impede this movement.

In this regard, we will continue our efforts to collect information on risk in particular areas subject to unusual environmental stress. Such information gives us the ability to work with states and localities to tailor environmental solutions to the varying needs of different geographical areas. We have launched a number of projects aimed at giving states and localities the kind of information they need to make intelligent risk management decisions.

Third, we will increase the emphasis we give to community involvement and public education. At present, we require a detailed community relations plan for all Superfund sites. We have recommended that this be embodied in law. I have also asked that all the line programs develop community relations and public outreach strategies. If what we are doing makes sense, we ought to be able to communicate that to the grass roots better than we have in the past. We must also establish forums that consistently provide input to us from the public as we make decisions which affect peoples' lives.

Finally, we must plan control solutions with a multimedia perspective. We have to reduce risk and not merely transfer it. Building an integrated management structure at EPA will not be easy. But we have some of the elements in place, and we have the will to do it. We must focus our resources on the most important problems, and fix them so that they stay fixed.

And we can't do that without some kind of measurable risk management integrated across environmental media. We can't do that without the knowledgeable participation of states and localities. Most of all, we can't do that without strong public support.

Thank you.



Management Memo

JANET S. MASON
US/EPA REGION 5
230 SOUTH DEARBORN STREET
CHICAGO

IL 80604

THOMAS MAPS
PLANS FOR EPA'S
NEXT FOUR YEARS

In his first major environmental policy statement, Administrator Lee Thomas outlined a four-point environmental management plan to guide EPA operations over the next four years.

Speaking before the National Press Club in Washington, D.C., Thomas presented his management plan in the course of a program-by-program review of the Agency's operations.

The first item on his agenda as EPA Administrator, Thomas said, is to encourage Agency management to concentrate its efforts on projects that promise "important environmental results."

"We will take steps to ensure that measuring those results becomes a central part of Agency management," Thomas said. He added that "over the next few years, I want to complement and in some cases replace the largely administrative measures in our internal accountability system with indicators of environmental progress for each program."

Saying that environmental protection is "too large a dog to be wagged by a tail clutched in Washington," Thomas gave as his second management objective a step-up in efforts to delegate additional responsibility to Regions and states. He said EPA would encourage states and localities to employ greater flexibility in implementing federal environmental standards. This would be accompanied by stronger technical support and oversight on the part of EPA.

"We must continue to change policies and long-standing practices that impede this [delegation] movement," Thomas said. He noted that EPA has launched a number of projects aimed at giving states and localities "the kind of information they need to make intelligent risk management decisions."

As the third element in his environmental management plan, Thomas said EPA "will increase the emphasis we give to community involvement and public education." He called on all the Agency's line programs to develop community relations and public outreach strategies similar to those used by the Superfund program.

"If what we are doing makes sense, we ought to be able to communicate that to the grass roots better than we have in the past," he said. As a companion action, Thomas said the Agency also would establish forums to encourage the public to have a voice in the Agency's decision-making process.

The final item on his agenda for EPA, Thomas said, is to expand efforts to build an integrated management structure in the Agency. He called for EPA to plan environmental actions from a "multimedia perspective,"

LEE THOMAS - MANAGEMENT APPROACHES

SELECTED OUTLINE OF SPEECH BEFORE REGION V EMPLOYEES

APRIL 1985

I. GOOD IMPLEMENTATION OF BASIC PROGRAMS

- Review all statutory authorities
- Improve Agency planning process
- Identify and quantify objectives
- Move away from in-box
- Move forward to make environmental progress
- Emphasize Superfund and Hazardous Waste, but don't divert attention from Water & Air
- Look at cross-media problems to avoid movement of pollution to least regulatory resistance

II. CONTINUATION OF BASIC RESPONSIBILITIES OF STATUTES

- Full accountability for laws
- Decentralize responsibilities from HQ to Regions to States
- Define roles at various levels
- Establish good formal agreements in grant programs
- Take timely and appropriate enforcement actions

III. BUILD STRONG TECHNICAL AND SCIENTIFIC CAPABILITIES

- Improve data collection and evidence techniques
- Improve monitoring capabilities to ensure measurement of environmental results
- Ensure good technical capabilities of staff

IV. ENFORCEMENT EMPHASIS--PROMOTE A STRONG ENFORCEMENT COMPONENT

- Division Director seen as accountable manager
- Enforcement is fully integrated in program and put in context of program goal
- Ensure compliance

V. OPENNESS IN OPERATING PRINCIPLES

- Operate in fishbowl, but beyond
- Expand outreach, public education and community relations programs
- Explain Agency actions to public

VI. EMPLOYEE PROGRAMS

- Create opportunities for mobility and promotion
- Develop strategy to recruit, develop, retain, attract, reward and redirect employees
- Emphasis on training and personnel programs



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF

Richard J. Carlson, Director
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Dear Mr. Carlson:

During the coming months, the Agency will be preparing the 1985 Environmental Management Report (EMR). To ensure that the most significant environmental problems continue to be addressed, the Administrator has requested that each Regional Administrator develop an EMR which documents important environmental changes and plans that might indicate a shift in program priorities from those established in the Agency's Operating Guidance. Region V's EMR, which is due to the Administrator on September 3, 1985, will assist in preparing the Agency's Priority List and Operating Guidance for Fiscal Years (FY) 1987 and 1988.

The EMR we submit in September will be a senior management report, approximately 35 pages long, and will be organized into 3 major parts, as follows:

- ° Part I, The Regional Administrator's Overview, an executive summary introducing the Region's significant environmental problems and discussing issues and concerns which underlie the Region's ranking of those problems;
- ° Part II, Regional Environmental Problems, a discussion focused on Region's 10 most significant environmental problems, ranked across media, including the Regional agenda, requested Headquarters actions to address the problem, and expected environmental results;
- ° Part III, Recommendations for the Agency's Priority List FY 1987-1988, a presentation of the Region's recommendations about any changes, deletions, and additions to the environmental and management priorities suggested in the priority list.

Because I believe that a strong Federal/State partnership is essential to solve the environmental problems facing us and to ensure this partnership extends to our priority setting process, I would like you to provide me with a brief assessment of the major environmental problems facing your State now, and any emerging problems you will face in the future. I am particularly interested in your reaction to the enclosed preliminary list of major environmental problems which we have developed.

From your perspective, are there other major environmental problems that should be included in our EMR? Also, a ranking of these environmental problems would be helpful, as it will assist us in our final ranking of 10 major environmental problems which will become the basis of our EMR.

The enclosed outline will give you an idea of the specific topics to be addressed in the EMR; please feel free to direct your comments toward topics in the outline. I have also enclosed a copy of the Agency's FY 1986-87 Priority List. Any changes, deletions, or additions you can recommend for FY 1987-1988 would be helpful.

In order to factor your responses into our report, I will need to have them by June 3, so they can be reviewed and incorporated, as appropriate, into our EMR submittal. You will receive a copy of Region V's draft EMR in August for your final review and comment. Because of the number and possible diversity of submittals, I cannot assure that each of your comments will be fully reflected in the final EMR, but I will respond to any significant concerns you raise. Your comments will also assist us in our own internal Regional planning process. I will use the EMR in setting Regional priorities, planning the use of our grant funds, providing a focus for our accountability systems, and to advise Agency management on emerging Regional environmental problems. Additionally, I would appreciate any other comments you can provide which will assist us in making the EMR a valuable management report. If you have any questions, please do not hesitate to call me.

Sincerely,

Valdas V. Adamkus
Regional Administrator

Enclosures (3)

REGION V PRELIMINARY LIST OF MAJOR ENVIRONMENTAL PROBLEMS

HAZARDOUS WASTE MANAGEMENT AND RESPONSE

CONTAMINATION OF GROUNDWATER

DISCHARGE OF TOXIC MATERIALS TO WATER

IN SITU POLLUTANTS

- ° PCBs

VIOLATION OF PRIMARY AMBIENT AIR QUALITY STANDARDS

- ° Ozone
- ° Particulates
- ° Sulfur Dioxide

SYNTHETIC ORGANIC CHEMICAL CONTAMINATION OF DRINKING WATER

TOXIC SUBSTANCES - EXISTING CHEMICALS

- ° Pesticides Misuse
- ° Asbestos

AIR TOXICS

GREAT LAKES AREAS OF CONCERN

NON-POINT SOURCE DISCHARGES TO WATER

PROTECTION OF WATER QUALITY IN INLAND LAKES

- ° Eutrophication
- ° Loss of Wetlands

COMBINED SEWER OVERFLOW

EMERGING PROBLEMS:

INDOOR AIR POLLUTION

VEHICULAR AND INDUSTRIAL EMITTED LEAD IN SOIL

AGENCY PRIORITY LIST FOR FY 1986-87

1. Stabilize imminent threats at uncontrolled hazardous waste sites through Superfund removal and enforcement actions.
2. Use all available authorities to complete long term hazardous waste site clean-up including: Superfund Remedial program, Superfund Enforcement program, RCRA Corrective Action permits and RCRA Corrective Action enforcement. Pursue cost recovery where Fund expenditures are involved.
3. Take enforcement actions to reduce the number of RCRA Class I violations by major hazardous waste handlers and enforce compliance with issued permits, paying special attention to ground-water monitoring, closure, post-closure and financial responsibility requirements.
4. Issue Part B RCRA permits, giving highest priority to those facilities where there are the greatest potential environmental risks or those which provide alternatives to land disposal.
5. Pursue the acid deposition research and analysis program. Consider issues of damage to lakes and forests, long range transport, and control technology. Work closely with the States on standby regulatory mechanisms.
6. Promulgate RCRA regulations and take other actions to strengthen the existing RCRA program and carry out RCRA reauthorization requirements. In particular, address alternatives to land disposal for hazardous wastes, including disposal in the marine environment. Promulgate regulations for underground storage tanks, air emissions from treatment, storage, and disposal facilities, and ocean disposal.
7. Reduce significant risks from existing chemicals. Initiate and promulgate regulatory actions under the TSCA existing chemicals program. Accelerate re-registration of pesticide products and conduct special reviews where cancellation or suspension may be necessary to mitigate unwarranted health and environmental risks.
8. Address hazards from asbestos by strengthening the asbestos in schools and public buildings programs. Promulgate and enforce other regulations to address commercial manufacture, use of asbestos products, and exposures to asbestos in public buildings or ambient air (under Clean Air Act) as necessary.
9. Achieve and maintain compliance with air quality standards in nonattainment areas, especially for ozone. This should include increasing continuous compliance by regulated facilities, ensuring compliance by new and in-use vehicles, and monitoring implementation of revised SIP schedules.
10. Implement the National Municipal Policy to ensure the construction and effective operation of municipal facilities and take enforcement actions to improve compliance with industrial and municipal NPDES permit requirements.

11. Complete reissuance of NPDES major and environmentally significant minor facility permits. Apply the new treatment requirements contained in the revised effluent guidelines and, where necessary, water quality based limits derived from water quality standards and use of effluent toxicity monitoring.
12. Implement the ground water protection strategy by supporting the development of State programs and addressing uncontrolled sources of contamination; give priority to ground-water contamination resulting from hazardous wastes and pesticides.
13. Address drinking water contaminants by promulgating the drinking water standards and expanding the program of issuing health advisories for unregulated contaminants in support of Superfund cleanup activities, State agencies' responses to contamination incidents, and other purposes.
14. Protect wetlands through vigorous attention to reviews of dredged and fill applications under Section 404 of the Clean Water Act and enforcement actions against unpermitted activities.
15. Implement a comprehensive national strategy for the control of hazardous air pollutants. Continue development and enforcement of NESHAPs. Emphasize implementation of SIP and other program measures that also reduce hazardous air compound. Support State and local agency efforts to assess and regulate specific hazardous air pollutants.
16. Control indirect discharges by implementing the pretreatment program, giving priority to: approving State pretreatment programs; assessing the adequacy of approved pretreatment programs; and enforcing categorical standards.
17. Work with States to incorporate water quality and sediment criteria for toxics into State water quality standards; issue additional water quality and sediment criteria for toxics; revise waste load allocations for water quality-limited segments to include toxic limits.
18. Implement an underground injection control program focusing permit issuance and enforcement efforts on those existing facilities that present the greatest threat to underground sources of drinking water and on those new facilities which must be permitted to prevent an unnecessary adverse impact on oil and gas production. Implement the ban on underground injection of hazardous waste into or above an aquifer used for drinking water.
19. Complete the review and revision of National Ambient Air Quality Standards as necessary. Provide support to State and local agencies, including technical and procedural guidance for the development of State Implementation Plan (SIP) revisions necessitated by revised standards. Specifically, support the development of PM₁₀ SIPs.

20. Work with States to incorporate nonpoint source control measures in their water quality programs, where nonpoint source pollution is a major problem in surface or ground waters.
21. Work with States to develop and achieve high quality programs under interim and final RCRA authorizations. Make every effort to assist States in meeting criteria for a quality RCRA program.
22. Implement a coordinated approach to solve multimedia pollution concerns in discrete geographic areas. Identify candidate areas and develop mutually agreed upon local, State, and Federal plans to reduce risk to human health and the environment.
23. Ensure the Federal Government shows leadership in environmental control practices through Federal facility compliance with air, water, toxics, and hazardous waste requirements.
24. Achieve compliance with PCB rules and regulations focusing inspection and enforcement actions on the greatest potential sources of harmful PCB exposure.
25. Promulgate regulations to implement a program for management, reuse and, where necessary, disposal of municipal sewage sludges.
26. Complete the regulatory program for control of exposure to radioactive wastes. Publish standards or guidance for disposal of high-level and low-level radioactive wastes, and for addressing residual radioactivity at decommissioned nuclear facilities. Develop criteria for review of permit applications for ocean disposal of radioactive wastes.
27. Implement the dioxin strategy.

ATTACHMENT A

FY 86 RA/DRA PRIORITIES

For FY 86, as for FY 84 and this year, our priorities supplement the Agency's priorities found in the national guidance, and fall into four main categories: program management, State relations, employee development and special environmental initiatives. We are proud of the progress already made toward our FY 84/85 priorities.

In program management, the Region has flagged areas for improving inter-divisional coordination in FY 85, and is moving forward to better communication across program and organization lines. We are taking steps to control toxics across media, e.g., S.E. Chicago and the Great Lakes. We have a new Toxics Coordinating Committee and an up-and-running Groundwater Coordinating Committee to take us further. Our programs have been aggressive in enforcement and received national recognition, accordingly.

In State relations for FY 84 and 85, we continued to increase opportunities for more effective input by our midwestern States in Agency management systems. In particular, we brought our States into the very early stages of guidance and Agency priorities development. Also, we clearly set forth enforcement expectations -- for both the Region and the States -- in State/EPA Enforcement Agreements.

In the area of employee development, we have a fully participative training program that is providing more training opportunities than ever to our employees. We met our affirmative action goals in FY 84 and set more challenging ones for FY 85.

Each Region V media manager must take the national priorities, our priorities and their own assessment of environmental needs into account when planning media objectives, organizational objectives, and State guidances for FY 1986.

Alan and I continue to see Region V as a pacesetter in many areas critical to Agency operations. We are asking you to maintain that momentum in FY 86. Our most serious environmental challenges are increasing in complexity; they are often unprecedented and involve real uncertainty. These environmental problems need cross-media control and Federal/State cooperation to be solved effectively. In the future, our sense of accomplishment will rest not only on successfully meeting these environmental challenges, but having met them as a team -- with one another, with our State partners, and the involved Region V citizenry.

Our priorities for FY 86 follow:

PROGRAM MANAGEMENT

- ° An overall, guiding principle for FY 86 is to continue to improve our MULTI-MEDIA APPROACH to solving environmental problems. In particular, we want to emphasize a multi-media approach for:
 - * Solving "areas-of-concern" identified within the Great Lakes' basin, where other organizations in the Region need to contribute to remedial plans.
 - * Superfund clean-up, so that water and air resources are protected as we change land disposal practices. (Also, we need to ensure that cost recovery is thoroughly and correctly documented.)
 - * Groundwater, so that diverse programmatic efforts to protect, clean-up and enhance this vital resource are conducted in a coordinated manner.
 - * Enforcement, so that, where we can, we conduct multi-media inspections and pursue compliance having considered problems across media - then take action.
 - * Control of toxics, so that transfer of these contaminants from "scrubber to sludge" is no longer left unchecked. This means that the Region continues our initiative for an integrated approach in identification of toxicant sources, pathways and fate so that adequate safeguards are provided.
- We want to emphasize FEDERAL FACILITIES COMPLIANCE for FY 86. We are in a position to make the Federal government a leader in environmental compliance, and have a responsibility to take steps to do so. In Region V, we need active support from top managers in sorting out what needs to be done and who needs to do it - assuring that States take action where they have the lead. We will be involved in Federal Facility problem resolution as a Region.
- We look to all media for INTEGRATING WATER POLLUTION PROBLEMS ASSOCIATED WITH THE GREAT LAKES into workplans and program operations. The most pressing environmental problems - atmospheric deposition, toxics, non-point source - require commitment and support from every office to be resolved.
- Program Managers should continue to develop special projects and initiatives on establishing an environmental regulatory presence on INDIAN LANDS. Technical assistance, outreach, and involvement in decision-making which impact Indian tribes need continued emphasis.
- The Region is making real progress toward improving INTERDIVISIONAL COORDINATION in FY 85 and we should continue these efforts in FY 86. Interdivisional communication needs should continue to receive top management attention and should be clearly understood at branch, section, and unit levels within organizations.

- ° Region V operates an effective ENFORCEMENT program. We are in a position where we can think in terms of innovative approaches. This effort links to other priorities. We can make improvements through: use of multi-media inspections; making Federal Facility compliance a model; better criminal enforcement; better enforcement-related management accountability systems; and, shared efforts with the States. Also, we need to maintain our momentum in pursuing new cases while assuring follow-through on cases previously initiated.
- ° In FY 86, the Region will need to implement a comprehensive approach to fulfilling its responsibilities under MBE/WBE/EEO and SMALL BUSINESS programs. Efforts in FY 85 are directed toward sorting out those responsibilities -- what they are and where they are.
- ° Part of our team responsibilities is to effectively inform and involve the public in the Region's decisions. Region V needs to continue to OUTREACH to all our constituencies to gain understanding and support.

STATE RELATIONS

- ° Region V is a leader in establishing and maintaining good State relations. For FY 86, we must continue to reinforce our partnerships with the States particularly through EARLY STATE INVOLVEMENT in EMR, guidance, and SPMS measures development.
- ° We must INCREASE our efforts to FOLLOW THROUGH on State concerns as expressed through the above means and as gathered during technical assistance, program evaluation and end-of-year, close-out meetings.
- ° We will continue to articulate our enforcement expectations through the STATE/EPA ENFORCEMENT AGREEMENTS.
- ° We will review the various STATE DELEGATION AGREEMENTS to assure that they are current and reflect changes in regulation.
- ° We must continue to examine and define State needs and to REFINE our processes for OVERSIGHT, accordingly.
- ° We must move forward to help our States assume RCRA AUTHORIZATION and increase the number of CERCLA COOPERATIVE AGREEMENTS.
- ° We must assure that all Region V employees are sensitive to the importance of maintaining COOPERATIVE FEDERAL/STATE RELATIONS.

EMPLOYEE DEVELOPMENT

The Region needs to continue to clarify responsibilities and activities needed to conduct an effective human resource development program.

- ° We need to open OPPORTUNITIES for CAREER GROWTH and development so that our employees see their career future at EPA.
- ° To be effective we need to focus our efforts on instilling a SENSE OF ACCOMPLISHMENT and a SENSE OF WORKING AS A TEAM in the Region.
- ° We must place more of our attention on the employee PERFORMANCE EVALUATION AND FOLLOW-UP. We need to work with supervisors and employees to make clear the requirements of good performance.
- ° New employees and new supervisors will need orientation to the Region and management TRAINING.
- ° We must sensitize our managers and supervisors to the various opportunities for fulfilling our EEO/AA RESPONSIBILITIES in the areas of recruiting, training and promotion in addition to hiring.

SPECIAL ENVIRONMENTAL INITIATIVES

Our Regional environmental problems were prioritized in the FY 85 EMR Update. For FY 86, we will perform a similar exercise. Because these Regional EMR Updates drive development of Agency priorities and guidance, we have our most significant problems clearly in view. Additionally, for FY 86 we will look to senior management for initiatives to complement our EMR efforts through selection of geographic areas for cross-media approaches to environmental problem solving, and development of environmental-quality indicators and measures of success.

The Region will also support State agencies' efforts for environmental management pilots in FY 86 and in the future. This will lead to more effective use of existing data for measuring environmental results and in environmental decision-making.

OFFICE OF AIR AND RADIATION
STRATEGIC PLANNING AND MANAGEMENT SYSTEM
FY 1986 MEASURES

NOTE: The nature and scope of the measures included in the following pages will be developed in more detail during the second and third quarters of FY 1985 by a work group including EPA headquarters and Regional representatives.

Administrator's Goal: Re re Environmental Quality

Program Area: Air and Radiation

OBJECTIVE	MEASURES	SPMS CODE	FREQUENCY
<p>Have approved SIPs in place for all post-1982 nonattainment areas. Ensure that reasonable further progress is being made toward meeting NAAQSs in these areas.</p>	<p><u>OAR</u></p> <p>Report the number of nonattainment areas on a pollutant-by-pollutant basis.</p>	<p>A/H-1</p>	<p>Q 4</p>
	<p><u>REGIONAL OFFICES</u></p> <p>Report to OAR the attainment status of major urbanized areas and other selected areas with severe nonattainment problems. Submit the following information:</p>		
	<p>a. Attainment status on a pollutant-by-pollutant basis.</p>	<p>A/R-1</p>	<p>Q 1, 2, 3, 4</p>
	<p>b. Indicators showing the degree of the air quality problem.</p>	<p>A/R-2</p>	<p>Q 1, 2, 3, 4</p>
	<p>c. Indicators showing SIP status or adequacy.</p>		
	<p>d. Steps being taken to address the problem.</p>	<p>A/R-3</p>	<p>Q 1, 2, 3, 4</p>
	<p>e. Indicators showing progress in solving the problem.</p>	<p>A/R-4</p>	<p>Q 4</p>
<p>Ensure that States meet schedules for submitting SIP revisions resulting from promulgation of the NAAQS for PM₁₀ and new requirements for stack height credits.</p>	<p><u>REGIONAL OFFICES</u></p> <p>Within one month following promulgation of the NAAQS for PM₁₀ and the new stack height regulations, submit to OAR the State schedules for SIP revisions.</p>	<p>A/R-5</p>	<p>Q 1, 2, 3, 4</p>
			<p>A-1</p>

OFFICE OF WATER
STRATEGIC PLANNING AND MANAGEMENT SYSTEM
FY 1986 MEASURES

Administrator's Goal: Anticipate and . . . nt Future Environmental Problems and Maintain
High Levels of Environmental Quality

Program Area: Water Quality

OBJECTIVE	MEASURE	SPMS CODE	FREQUENCY
Reduce the percent of stream miles, lake acres, estuary square miles, coastal miles and Great Lakes shore miles not supporting designated uses.	Identify the number of stream miles, lake acres, estuary square miles, coastal miles, and Great Lakes shore miles in each Region, the number assessed, and the number supporting/partially supporting/not supporting designated uses as reported in the FY 1986 305(b) report.		Q 3
Improve effectiveness of monitoring programs by focusing on priority activities.	Identify, by Region, from the list of waters not fully supporting designated uses, the number of waterbodies needing WQ-based controls and the number of TMDLs needed in these waters.		10/15/85
Implement NPS Policy and Strategy.	Track, by Region, against targets the number of TMDLs completed in these waters.		Q 3,4
	Track, by Region, against targets the number of States which develop an adequate NPS management program consistent with WQM Regulations and EPA's Non-point Source Strategy.		Q 2,4
	Identify, by NPS category, the number and percent of stream miles, lake acres, estuary square miles, coastal miles and Great Lakes shore miles in each Region not fully supporting designated uses.		Q 1
Incorporate provisions of Water Quality Standards Regulations (Nov. 8, 1983) into State Water Quality Standards for toxic pollutants.	Track, by Region, against targets the number of States which incorporate new or revised numeric or narrative criteria for toxic pollutants into State Water Quality Standards that are approved by the Regional Office.		Q 2,4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: MAY 07 1985

SUBJECT: Task Force on Headquarters - Regional Relationships

FROM: Robert Springer, Assistant Regional Administrator
for Planning and Management

TO: Division/Office Directors

This memorandum is an analysis of the recommendations from the September 1983, Headquarters - Regional Relationships Task Force report. I had this analysis conducted to determine the number of recommendations from this report that were completed and to decide if we want further action taken. The sequence of the review parallels the report and is broken down into four areas, which are: The policy framework for decentralized management of EPA's mission (Policy); the guidance, accountability, and evaluation support for the policy (Guidance); Regional involvement in planning and budgeting (Budget); and, Regional organizational structure (Organization).

Please review these items and let me know if you would like to pursue them further. The majority of the recommendations were implemented, those that were not are starred **. Attached is the Executive Summary which contains the recommendations from the Task Forces. Following is the status of the recommendations:

POLICY

Decentralization

Recommendation: EPA should reaffirm and restate our policy on Decentralization. In order to do this the report contained recommendations on adopting five policy statements. These statements outlined the responsibilities of the Administrator, Assistant Administrators, and Regional Administrator.

Status: (Partially Implemented and Working) We did not ascertain whether all five policy statements have been issued. However, two of them have been implemented. These recommendations were: AAs or the AA for Regional Operations were to recommend delegations of authority and changes thereto; and, the AA for Administration was to manage the process of delegating authority. These were implemented; see next recommendation.

Assignments of Authority

Recommendation: Specific policy statements for each area of operational activity be adopted as an extension of the general policy statements. This includes delegating the authority of several activities to the Regional Administrator.

Status: (Implemented and Working) On July 24, 1984, there was a major revision to the Delegation Manual involving 197 different delegations. The revision was undertaken to address the goals of assuring that appropriate authorities are decentralized and are exercised at the lowest possible operating levels. According to Steve Martin, Management and Organization Division, these revisions to the Delegation Manual implemented the recommendations of the task force and have proved to be very workable.

GUIDANCE

Improve Accountability System

Recommendation: To reinforce the Administrator's Management Accountability System (MAS) by issuing annual guidance, based on the Administrator's Guidance which is fully coordinated with relevant HQs organizations.

Status: (Implemented and Working) The Office of Management Systems and Evaluation (OMSE) completed a study in March 1983, on the way regional targets were set, reported on, and changed. OMSE found several problems with the system at that time. Because of this, procedural changes were made to remedy the problem. The Task Force concurs in the approach that resulted from the management review and was adopted and agreed to by the RAs and HQs Offices. Also, the MAS has been included in both FY 85-86 and FY 86-87 Agency Operating Guidance Documents.

Centralize Directives

Recommendation: The Management and Organization Division (MOD) should upgrade and administer a system to keep current a central repository of Agency directives.

****** Status: (Implemented but, Not Working) MOD attempted to administer an integrated EPA Directives System. They sent a memo to the Offices at Headquarters asking them for all of their policies and program guidance. The response they received was poor and they decided to abandon this approach.

MOD then decided to get this information from one program office at a time. They are currently working with OSWER. They have received most of OSWER's policy and guidance documents and are now indexing this information into a manual. This approach has been successful. After the OSWER documentation is completed, they will begin to work with another program office.

Controlled Reporting Burden

Recommendation: Program offices are encouraged to limit the reporting burden on the Regions and States. Where feasible, computerized systems should be extended into State offices. Regions should routinely assess each program and provide recommended changes concerning burdensome reporting requirements.

Status: (Partial Implementation) Guidance was received from OMSE on limiting the number of reporting measures. If a program office decides to add a reporting measure they must delete a measure that is in the system.

- ** The Regions have not assessed the programs to recommend changes concerning burdensome reporting requirements. (This issue may be the normal, un-resolvable plight of HQ/Regional relationships.)

Program Evaluation

Recommendation: Comprehensive periodic evaluations of program results are essential for decentralized operations.

Status: (Partial Implementation) The degree and type of periodic evaluations varies from program to program. See Attachment A.

BUDGET

Define Responsibilities

Recommendation: Define the responsibilities for the National Program Manager (NPM) and Lead Region for the initial stages of the budget development process. Formally recognize regional viewpoints in the NPM budget presentation.

Status: (Implemented and Working) An expanded lead region system (more than budget) was established in an Al Alm memo of June 11, 1984. This memo set forth the process and roles for incorporating regional viewpoints in EPA's Planning and Budgeting system.

Regional Perspective

Recommendation: The DA should convene an annual budget hearing to provide RAs the opportunity to present their views on both media-specific and cross-cutting budget issues.

Status: (Implemented) At the Administrator's budget hearings, a special hearing for regional issues has been established.

Expand the Lead Region Selection Process

Recommendation: The Comptroller should lead a broadened process for selection of lead Regions to work with each NPM.

Status: (Implemented) The lead region selection will occur on a rotational basis, with the leads being replaced by their back-ups. The first rotation will occur on 10/1/88. Office of Regional Operations absorbed the role of managing the lead region selection process.

Expand Regional Participation

Recommendation: The participation of Senior regional staff in the Headquarters budget process should be instituted within operating procedures developed by the Comptroller.

Status: (Implemented, Participation Varies) Each NPM has established procedures for involving the Regions in the budget process.

ORGANIZATION

The Review concluded that the current standard regional organization is working adequately given current resource allocations and functional relationship to Headquarters. However, the Review suggested that Regional Counsel and Environmental Services Division should be highlighted.

Regional Counsel

Need: Establish a more direct relationship between the RA and the Regional Counsel. And, modify the current standard regional organization to provide the appropriate changes in reporting lines.

Result: The DA, in an August 3, 1983 memorandum, announced that the Regional Counsels (RC) will report to the RA on day-to-day activities while reporting to the HQ General Counsel on matters involving national consistency and the management of Regional Counsel personnel.

**** Status:** The changes in reporting lines have not been made. Although establishing a line of direct communication between the RA and RC has been done, the RA still has no authorized authority over RC. The Agency does not appear to be planning any further action on this item.

Environmental Services Division

Need: To establish a better method for allocating resources for the ESD function and to provide clear lines of communication between ESD and Headquarters.

Recommendation: The Agency should continue to monitor and assess ESD's viability in line with changes in program direction and resource allocations.

**** Status:** (Slow Progress but Right Direction) The Office of Regional Operations (ORO) has been working closely with ESD Directors on establishing a resource tracking system for ESD. A matrix of functions has been developed which contains ESD functions that can be crosswalked with ESD activities. The ORO (staff of one) is currently going out to the Regions to do program reviews of all ESD work activities. Because of the amount of information that is needed and a limited staff, this will not be totally completed for the FY 87 Budget but it may have an impact on specific activities, i.e., QA and ESD Superfund resources.

In September 1984, Al Alm established a position for a National Environmental Service Officer. With this position established, a direct communication link was formalized between the Regions and Headquarters. Since that time, the ORO has been working with the RAs and DRAs and developed a Mission Statement in December. This mission statement defined the specific activities of ESD.

Attachments

Regional Program
Quarters and the Regions on the General Conditions
of Regional Programs and the National Program

The following chart shows reporting systems employed by major programs.

Evaluations of Regional Programs

PROGRAM	CHARACTERISTICS OF EVALUATION	STATUS
Air	Only Air Enforcement now conducts evaluations. Representation by all HQ offices is needed to give is needed to give balanced evaluation.	Same, still no program evaluation except for SPMs
Pesticides, Toxics	HQ audits Regions annually with indepth look every with indepth look every two years.	same, seems OK
RCRA	Had first formal evaluation recently. It was helpful, but needs to go into more detail such as actually looking at permits issued by Regions and States	full scale evaluations are being done annually (SWAT team approach)
CERCLA	None.	Quarterly evaluations of the SCAP + SPMs measures
Water	Conducts coordinated mid-year evaluations of all water programs based on the quantitative and qualitative measures in the annual accountability system. Regions do an initial self evaluation; Water then does on-site evaluations consisting of a technical review followed by a senior management review.	same, seems OK
Administration	Personnel Management evaluations have been conducted. Grants Management evaluations are more recent.	A Management Assistance Review was added. OPM completed a Personnel Review.

Most Headquarters program offices conduct some form of annual on-site evaluation of regional performance. These evaluations are similar to State program evaluations which many Regions conduct.

POLICY AND MANAGEMENT REVIEW OF
HEADQUARTERS - REGIONAL RELATIONSHIPS

EXECUTIVE SUMMARY

I. DECENTRALIZATION IS CRITICAL TO EPA MISSION PERFORMANCE

The National strategy for achieving environmental goals is built upon cooperative efforts of Federal, State and local governments. This strategy is largely based upon statutory provisions relating to actual implementation responsibility. The principal Federal responsibilities are to establish national policies, develop standards and participate with State and local governments in implementing environmental programs.

- o The vast majority of the environmental workforce is in State and local governments which, accordingly, requires the adaptation of national policies and objectives to unique State conditions and fosters close Federal/State relationships.
- o The National environmental strategy relies on use of traditional State and local authorities and the National government's role of leadership and financial support.

Achieving the adaptation of Federal environmental policies and objectives to State and local programs is logically assigned to the EPA regional offices closest to where the work is being done. This issue paper provides suggested Agency policy and principles which transcend program and media lines to achieve this decentralized management.

We Have Drifted From the Original
Framework of Decentralization

In recent years, the Agency has begun direct administration of new program authorities in Headquarters with no plan for decentralization. We have gradually drifted from the original Agency position of balancing national policy development and consistency against regional implementation flexibility, to a lack of clear understanding of how the Agency should pursue its goals. The Agency needs a clear statement of policy on authorities, accountability, resource allocation processes, and organization.

5

We Should Reaffirm and Restate
Our Policy of Decentralization

EPA's organization is based upon the purposeful stratification of the Administrator's authorities and commensurate responsibilities. The Task Force has concluded that the Agency needs a clear statement of policy on decentralization to emphasize this framework.

Therefore, we recommend that the Administrator adopt the following policy statements:

- ¶ Assistant Administrators are responsible for developing and promulgating policy and guidance and in consultation with the Regions, assuring consistent implementation of national policy, providing oversight and evaluating progress, and taking actions which are of national significance or multiregional in nature.
- ¶ Regional Administrators are responsible for implementing programmatic policies consistent with national policy and direction; and, in the absence of overriding reasons to the contrary (e.g., statutory prohibition, unusual technical complexity, etc.), for execution of those environmental activities which relate to the jurisdiction of an individual region.
- ¶ Assistant Administrators and/or the Associate Administrator for Regional Operations are responsible for recommending delegations of authority to the Regions and changes thereto.
- ¶ The Assistant Administrator for Administration is responsible for managing the process of delegating authority, recommending proper placement of authorities and permitting exceptions to specific policies.

_____ AGREE
_____ DISAGREE
_____ OTHER

Several Specific Assignments of Authority
Are Generally Agreed Upon

We recommend adopting specific policy statements for each area of operational activity as an extension of the general policy statements. These specific policy statements would provide the framework for which decisions on individual delegations of authority would be made and any exceptions to the policy justified. The impact of implementing specific policy statements is summarized in the body of the Report.

- ¶ Permitting, engineering and environmental impact review activities will be delegated to the Regional Administrators, including final approval and disapproval, except for those actions specifically reserved for the Administrator, or assigned to Headquarters based upon exceptional factors.
- ¶ Product review and registration activities will be delegated to the Assistant Administrators, except for those actions specifically reserved for the Administrator.
- ¶ Listing and designation of particular pollutants, products, geographic areas activities or source categories for further regulation with national or multi-regional impact, will be delegated to the Assistant Administrators. Listing and designation activities which occur solely within the geographic boundaries of a specific region will be delegated to that Regional Administrator.
- to Regional Administrator
for review and approval
of the following activities
¶ Hazardous Substance Emergency Response and Site Management activities should be delegated to the Regional Administrators, as a near term goal, except those actions specifically reserved for the Administrator or assigned to Headquarters based upon exceptional factors.
- ¶ Testing/Monitoring and Inspection Activities will be shared between Regional Administrators and Assistant Administrators. The Regions will have primary responsibility for most of these activities. Headquarters will be delegated nationally significant cases and nationally managed areas (e.g., the Motor Vehicle Manufacturers Program and testing, monitoring, and inspections under The Toxic Substances Control Act).
- ¶ Administrative Orders and Notices of Violations concerning Enforcement Actions will be delegated to the Regional Administrators, including final approvals and disapprovals. Administrative Orders and Notices of Violations which are of national significance or multiregional will be delegated to the Assistant Administrators.
- ¶ Referrals to the Department of Justice (DOJ) for Judicial Enforcement Actions will be delegated, upon concurrence by the Department of Justice, to the Regional Administrators. Judicial Enforcement Actions, including referrals to DOJ for those programs assigned to Headquarters, and for cases which are of national significance or multiregional will be delegated to Headquarters Enforcement Counsel.

¶ Execution of State and local grants and cooperative agreements, including Superfund Cooperative Agreements will be delegated to the Regional Administrators. Execution of grants and cooperative agreements of centrally managed programs, (e.g., Research and Development) will be retained by Headquarters.

____ AGREE
____ DISAGREE
____ OTHER

There are Differences of Opinion on Delegating Authority for Approving State Programs and Plans, and Devolutions (Delegations) to the States

This activity includes the authority for approving State programs and plans, and devolutions (delegations) to the States, and includes determining the EPA activities to be performed by individual State agencies, negotiating and approving agreements which define the standards to which States will adhere, and specifying the manner in which they will administer programs. The Regions perform these activities if they are not delegated to the States.

The Regions believe that review and approval of these activities is a logical extension of their responsibilities in providing oversight of Federally supported State programs. They argue that if Headquarters officials retain these authorities it compromises the Regional Administrator's standing to serve as the EPA focal point for operating regional environmental programs.

Some of the program offices believe that Headquarters involvement in these decisions is essential to assure national consistency. They argue that since approval of the State programs constitutes an operational delegation of national program responsibilities it is a function appropriately reserved to the Administrator; therefore, a Headquarters function.

The majority of Task Force participants support delegating the authority for approving State program plans and delegations to the Regional Administrators. They believe that delegating this authority is generally consistent with proposed decentralization policy since it is a form of "implementing" national policy guidance.

There is an Office of Policy and Resource Management (OPRM) proposal on this issue that is currently under Agency review. The OPRM draft report recommends regional approval of State plans, subject to a time limited Headquarters veto. The regional participants on the Headquarters - Regional Relationships Task Force believe that the veto approach is better than the existent method because it resolves the problem of time delays in granting

approvals. However, they would prefer full delegation to the Regional Administrators with no strings attached. They believe the time limited veto still results in Headquarters retention of final authority.

Since there are sharply divided positions on this issue and the OPRM effort will soon be concluded, we recommend:

- ¶ The Administrator defer his policy decision regarding authority to approve State programs and plans, and devolutions (delegations) to the States until it can be made within the context of the comprehensive issue analysis formulated by OPRM and currently under Agency wide review.

_____ AGREE
_____ DISAGREE
_____ OTHER

We Need a Specific Policy Controlling the Use of Advance Concurrences

An advance concurrence requirement occurs when the Regional Administrators are restricted from making decisions until they receive approval from Headquarters. Advance concurrence requirements can be contained in the delegation of authority or result from regulations or guidance that calls for Headquarters action before the decision officials can act.

Advance concurrence requirements are intended to maintain national consistency, especially when the regions have little or no experience in the particular area. Headquarters believes that its involvement will avoid inappropriate precedent in new program areas while they are developing adequate national guidance. In practice, the record indicates that after Headquarters has issued necessary guidance it has often shown reluctance to remove the requirement for an advance concurrence. Headquarters reviews also result in duplication of effort and significant delays.

One option is to totally eliminate any continuing requirement for advance concurrence. Alternatively, we could adopt a process of disciplined limitation in the use of advance concurrences for new programs if maintenance of national consistency is potentially a problem. These concurrences could then be subject to periodic evaluations and full delegations made to the Regions as programs mature and the necessity for a Headquarters concurrence role declines.

We recommend that the Administrator adopt the following policy statement:

- ¶ When the Administrator delegates authority to the Regional Administrator, advance concurrence from Headquarters is inappropriate. Headquarters should monitor and evaluate regional decisions to assure conformance with national policy. When, in unusual cases, it is essential that Headquarters examine and approve a certain type of decision the authority should be delegated to the Assistant Administrator with the Regional Administrators designated as recommending officials, or delegated to the Regional Administrators with a temporary concurrence requirement (the ending date for the advance concurrence requirement will be established in the delegation of authority).

____ AGREE
____ DISAGREE
____ OTHER

II. GUIDANCE, ACCOUNTABILITY, AND EVALUATION SHOULD SUPPORT THE POLICY

Decentralized management can be improved through an integrated Agency wide system of program guidance, accountability, and evaluation.

Therefore, we recommend that the Administrator adopt the following policies on guidance, accountability, and evaluation:

- ¶ The current Administrator's Management Accountability System (MAS) process should be reinforced. Every program should continue its practice of issuing annual guidance, based on the Administrator's Guidance and fully coordinated with relevant Headquarters organizations.
- 2 → ¶ The Management and Organization Division (MOD) should be directed to administer an integrated EPA Directives System with regional/program participation. MOD would upgrade and administer the system to maintain a current central repository of Agency directives, including those not currently incorporated in the formal directives system. New program and policy issuances and updates should conform with the format and mechanics of the Agency directives system; however, we should gradually convert to the new system. Assistant Administrators should maintain current authority to develop and approve program specific documents while adhering to the mechanics of the Agency directives system.
- 7 ¶ Programs should be encouraged to incorporate model reporting traits suggested in this Review. Where feasible, computerized systems should be extended into the State offices. Regions should routinely assess each program and provide recommended changes concerning burdensome reporting requirements.
- ¶ Comprehensive periodic evaluations of program results are essential for decentralized operations and should be standard practice for every program.

____ AGREE
____ DISAGREE
____ OTHER

III. REGIONS SHOULD BE MORE INVOLVED IN PLANNING AND BUDGETING

During the development of the FY 1983 budget, the Agency replaced the Zero Based Budgeting process, with its layers of review and ranking teams with a centralized and shortened process. The nature of the regional role changed, from participation on a variety of ranking committees, to the interaction of lead Deputy Regional Administrators (DRA) with National Program Managers (NPMs) during the budget formulation process and then in the budget hearings. The lead Region concept evolved as an efficient, productive method to represent regional concerns and interests in the new process.

Our objective in reviewing the regional role in planning and budgeting is to examine the current role of regional managers in the Agency's planning and budgeting process, to determine whether that role is sufficient to properly represent the requirements of regional programs in the decision making process, and to recommend alternatives to such process if it proves to be inadequately addressing all dimensions of Agency program needs.

The criticisms most frequently heard of the current budget development process, from the regional perspective, are:

- o The extent and effectiveness of lead Region "participation" is too dependent on the whim of the NPM. Participation ranges from extensive regional involvement to total exclusion.
- o The effectiveness of lead DRA participation varies greatly depending on a number of factors including time and staff availability.

The Associate Administrator for Regional Operations believes that a critical element in effective decentralized management is to ensure that Regional Administrators, as general policy officers, are provided opportunity to present their views on both media specific and crosscutting budget issues.

Our Recommendations Strengthen The Current Process

Our recommendations enhance the strength and structure of the current lead Region concept. They also ensure that regional concerns are heard, without weakening the preeminent role of the National Program Manager in developing and presenting budget recommendations for the national program.

We recommend that the Administrator adopt the following policies increasing Regional involvement in the budget process:

- ¶ General performance expectations during the initial stages of the budget development process, for both the NPM and lead Region should be clearly defined and regional viewpoints should be formally recognized in the NPM budget presentation.
- ¶ Regional budget development meetings should be convened each spring to provide regional representatives the opportunity to advise National Program Managers of regional needs, problems and other issues.
- ¶ The Deputy Administrator should convene an annual hearing to provide Regional Administrators the opportunity to present views on both media and cross cutting budget issues. The hearing should be held following submission of National Program Manager budget submissions to the Comptroller, but prior to finalization of the Administrator's budget proposal,
- ¶ The Comptroller should continue to lead the process for selection of lead Regions to work with each National Program Manager. The expanded process should include active participation of regional officials, National Program Managers, and the Associate Administrator for Regional Operations, with final approval by the Deputy Administrator.
- ¶ Participation of senior regional staff in the Headquarters budget process should be instituted within operating procedures developed by the Comptroller and discussed with the Associate Administrator for Regional Operations.

_____ AGREE
_____ DISAGREE
_____ OTHER

IV. REGIONAL ORGANIZATIONAL STRUCTURES SHOULD NOT BE EXTENSIVELY CHANGED AT THIS TIME

The Environmental Protection Agency has always maintained a relatively unchanged Regional organization structure. Our Review suggests that the current standard regional organization is working adequately given current resource allocations and functional relationships to Headquarters.

For the most part, the flexibility provided in the current structure meets the varying needs of individual Regions. For example, three regional offices have separated the emerging waste-related functions from the air functions with a minimum of disruption. The Regional Administrators are able to structure branch and section level organizations and functions to reflect their own approach, i.e., geographic, functional, or "process step" variants; experiment with establishing sub regional offices; and assign staff functions. The current policy allows the Regional Administrator flexibility in selecting the ARA/OPM or Management Division option.

The Regional Administrators have discretion (pending the outcome of concurrent management streamlining efforts and within current Agency rules and practices) in formally structuring staff activities, such as Congressional and Intergovernmental Relations, Public Affairs, and Civil Rights with their placement as staff to the Regional Administrator, Deputy Regional Administrator, Associate Regional Administrator, or Management Division Director.

Major revisions at this time are not warranted, however, our Review suggests that the Regional Counsel and Environmental Services Division should be highlighted. In addition, managers believe that the creation of the Regional Operations Office will improve communications to top management on issues of regional concern.

The Regional Administrator Should Exercise Management Authority Over Enforcement Activities and the Office of Regional Counsel

Our Review indicates a need to establish a more direct relationship between the Regional Administrators and the Regional Counsel. The Regional Administrators believe this would strengthen their management authority. The Deputy Administrator, in an August 3, 1983, memorandum announced that the Regional Counsels will report to the Regional Administrators on day-to-day activities while reporting to the Headquarters General Counsel on matters involving national consistency and the management of Regional Counsel personnel. The current standard regional organization is being modified to provide for appropriate changes in reporting lines.

Headquarters and the Regions Should
Continue to Monitor and Assess the Viability
of the Environmental Services Division

The Environmental Services Division (ESD), which provides a full range of laboratory, testing and monitoring capabilities in most of the Regions, was raised as an area of concern by many people. Several Regions believe ESD is, and should continue to be, an integral component of regional operations. The principal issues are the need for a method of better allocating resources for the function and the need to provide clear lines of communication between ESD and Headquarters (e.g., potentially a National Program Manager).

Many other decisions will have to be made before a final decision on the concept of the ESD would be appropriate. A decision on ESD's viability must be considered in the context of legal/enforcement and air/waste alignments in the regional offices. In addition, the possible effects of laboratory consolidation and the impact of increased contracting and automation are important factors.

While theoretically it is possible to move the ESD function into the respective regional program Divisions, it is probably impractical because of the interdependence between field and lab staff, the cross media nature of ESD work, and the need to maintain a central core of such expertise. The Agency should continue to monitor and assess the Environmental Services Division's viability in line with changes in program direction and resource allocations.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 24, 1985

OFFICE OF
REGIONAL OPERATIONS

MEMORANDUM

SUBJECT: Review of Proposed Policy on Performance-Based Grants
FROM: Carolyn M. Clinton *Carolyn M. Clinton*
Associate Administrator for Regional Operations
TO: Regional Administrators

As you will recall, Lee Thomas asked representatives from headquarters, the regions, and the states to recommend an agency-wide policy on performance-based grants. After several months of intense effort and lively discussion, this group has finished its work and has produced the attached recommended policy.

Given the wide-ranging impact of this policy on your operations, Lee has requested that you review this proposal in its final form before signing it. The implementation plan for this policy calls for phasing it into effect in FY86, depending on the status of individual grant negotiations at the time the policy is signed. Therefore, it is important that we provide our feedback to the Administrator as quickly as possible.

I have attached the proposed policy, the implementation plan, a background document, and a list of the people on the two workgroups in the event that you need further information. I have also set up a conference call for Thursday, May 2 at 1:30 pm EDT to hear your views on this proposal.

Attachments

cc: Lee M. Thomas
A. James Barnes

REC'D
APR 25 1985
E-A REGION 5
OFFICE OF REGIONAL
ADMINISTRATION

EPA POLICY ON PERFORMANCE-BASED ASSISTANCE

PURPOSE

This policy establishes an Agency-wide approach which links U.S. EPA's assistance funds for continuing State environmental programs to recipient performance. The approach employs assistance as a management tool to promote effective State environmental programs. The policy's goal is the consistent and predictable application of the performance-based approach across Agency programs and among Regions.

Mechanisms for tying EPA assistance to a recipient's accomplishment of specific activities agreed to in advance are contained in EPA's regulations governing State and Local Assistance (40 CFR Part 35, Subpart A). The degree and manner in which EPA programs and Regions have applied these regulations has varied greatly. Through this policy, the Agency articulates how it will consistently manage its intergovernmental assistance.

SCOPE

EPA's Regions will be expected to implement the portions of this policy governing the management of assistance agreements ("Oversight" and "Consequences of Oversight" sections) upon the policy's issuance. To the greatest extent possible, this policy should also guide the negotiation of grants and cooperative agreements for fiscal year 1986.

This policy supersedes all previous policies on performance-based assistance to the extent they conflict with the approach outlined below. It elaborates on regulations governing State and Local Assistance (40 CFR Part 35, Subpart A) promulgated October 12, 1982, and the General Regulation for Assistance Programs (40 CFR Part 30) promulgated September 30, 1983. This policy does not replace funding or grant/cooperative agreement requirements established by Federal statutes or EPA regulations.

The policy complements and is in complete accordance with EPA's Policy on Oversight of Delegated Programs (April 4, 1984) and the Policy Framework for State/EPA Enforcement "Agreements" (June 26, 1984).

While this policy will refer to all assistance recipients as "States" (since States receive most of EPA's assistance for continuing environmental programs), it applies equally to interstate and local agencies which receive similar support.

4

PRINCIPLES AND APPROACH

PRINCIPLES

This policy on performance-based assistance is designed to strengthen the EPA/State partnership by ensuring that EPA assistance facilitates the implementation of national environmental goals and promotes and sustains effective State environmental programs. The policy provides a framework within which EPA and States can clarify performance expectations and solve problems through a system of negotiation, according to a predictable but flexible set of national guidelines. This framework is built around several fundamental principles which will also guide the policy's implementation:

- o EPA will use performance-based assistance as a management tool to promote and recognize the effective performance of State environmental programs, and to ensure mutual accountability;
- o EPA Regions and programs will retain flexibility to tailor the performance-based approach to their needs and the policy's guiding principles;
- o States and EPA should share a common set of expectations regarding performance commitments and likely responses to identified problems. There should be no surprises as EPA and States relate to each other under this policy;
- o In negotiating State performance objectives, EPA and the States will seek realistic commitments and presume good faith in their accomplishment;
- o EPA and the States should maintain continuous dialogue for the rapid identification, solution and escalation of problems to top level managers;
- o EPA is fully committed to the success of State environmental programs and will seek opportunities to acknowledge their accomplishments.

APPROACH

The policy consists of three basic parts. The first section describes components of assistance agreements and how they are to be negotiated. The second section lays out EPA's expectations for the review and evaluation of assistance agreements and escalation of significant findings. The final section describes how EPA should respond to the findings of oversight: rewarding strong performance; applying corrective actions to solve problems; escalating significant conflicts to top management; and, in cases of persistent performance problems, imposing sanctions.

5

ASSISTANCE AGREEMENT

Clear expectations for program performance are crucial to an effective EPA/State partnership. Annual assistance agreements provide a key vehicle for expressing these performance expectations. Negotiated work programs, contained in an assistance agreement, form a fundamental basis for evaluation of State performance.

An assistance agreement should include three components: 1) a work program; 2) identification of support (other than federal assistance funds) a State needs from EPA to accomplish work program commitments; and, 3) a monitoring and evaluation plan.

APPROACH

EPA and States should negotiate outputs which reflect a mix of national and State priorities. National priorities should be clearly articulated in the annual Agency Operating Guidance. To better facilitate the negotiation of assistance agreements, the Guidance should be strengthened through early State involvement in defining the order and scope of Agency priorities, and the more specific identification of top priorities by Program Offices. Funding limitations should be recognized throughout development of the national priority list and program-specific guidance.

As EPA Regions and States negotiate outputs, national priorities should be tailored to the real environmental conditions of each State and Region. Assistance agreements should also allow for outputs based on a State's priorities. State priorities should represent those activities allowable under federal statute which will produce significant environmental results.

The development and oversight of an assistance agreement should be supervised by one senior Regional manager, but EPA Regional Administrators are ultimately accountable for all assistance agreements made with States and should be familiar with the significant outputs and conditions of each agreement. They will be responsible for all major assistance-related decisions, particularly decisions related to sanctions.

Assistance agreements may be amended by mutual agreement of the Regional Administrator and his/her State counterpart. A major change in national or State priorities, environmental emergencies, and the discovery of greatly overestimated commitments are examples of the types of circumstances which may necessitate renegotiation.

WORK PROGRAM

The work program should specify the outputs a State will produce under its federal assistance award (including the State match and level of effort) and the resources and timeframes for completing the outputs.

- o Outputs should be measurable commitments, reflective to the extent possible of real environmental results. They should be ambitious but realistic commitments -- achievable objectives rather than lofty goals.
- o Work programs should focus on the objectives a State will meet, not how the State will accomplish an output.
- o Past performance should affect work programs. The good or poor performance of a State (or EPA) identified through oversight should influence the outputs and conditions contained in the next annual assistance agreement.
- o Work programs should specifically identify completion timeframes for outputs. EPA may also specify interim milestones and reporting requirements based on the priority needs of national programs and in keeping with good management practice. Reporting required under an assistance agreement should be consistent with EPA's information systems.
- o States should draft their work programs but may request assistance from EPA Regions in developing them.
- o States should be encouraged (not required) to volunteer a comprehensive work program that indicates activities, if any, outside those paid for with the federal and State funds included in the federal assistance agreement budget. Awareness of State responsibilities not related to federal assistance greatly enhances EPA's understanding of the scope of State environmental programs. Should a State choose to submit plans for its entire program, it need not indicate resource levels, but only program activities. EPA will not examine these activities in the course of assistance oversight except when necessary to ascertain the cause of a performance problem or to identify the corrective action which can best address a problem.

SUPPLEMENTAL EPA SUPPORT TO STATES

An assistance agreement should describe the types of support EPA will endeavor to provide in addition to an assistance award enable a State to meet its work program outputs. Regions should consult with Headquarters about support which will require Headquarters action.

- o The assistance agreement should not contain a comprehensive list of all supplemental support EPA expects to provide to a State within a given year. Rather, the agreement should describe the specific research, technical advice, guidance, regulations, contractor assistance or other support EPA will furnish States to enable them to fulfill specific work program outputs, making clear that accomplishment of the outputs is contingent upon the receipt of the EPA support. If EPA does not furnish the support described in the assistance agreement, the State will be relieved of output commitments contingent upon that support.

EVALUATION PLAN

The final component of an assistance agreement is a plan for EPA's evaluation of State performance. The evaluation plan should be mutually acceptable to EPA and a State.

- o The plan should outline the schedule and scope of review EPA will conduct and should identify areas the evaluation will focus on.
- o An evaluation plan must specify at least one onsite review per year, performance measures, and reporting requirements.

ASSISTANCE OVERSIGHT

EPA should oversee assistance agreements both informally and formally. Regions and States should maintain continuous dialogue so that States may alert EPA to problems they are experiencing and EPA can monitor State progress toward accomplishing outputs. EPA should also periodically conduct a formal evaluation of State performance. Oversight should identify the successes and problems States have encountered in meeting their commitments. Oversight also entails the joint analysis of identified problems to determine their nature, cause, and appropriate solution, and the escalation of significant findings (both positive and negative) to top management in EPA and the State.

APPROACH

The formal assessment of State performance under assistance agreements should occur as part of EPA's comprehensive review and evaluation of State programs. This process is governed by EPA's Policy on Oversight of Delegated Programs which states that evaluations should focus on overall program performance, rather than individual actions; they should be based on objective measures and standards agreed to in advance; they should be conducted onsite at least once a year by experienced, skilled EPA

staff; they should contain no surprises for States regarding content or expectations; and results should be documented in a written report.

EPA should adhere to these principles of oversight and to the scope and schedule of evaluation agreed to in the assistance agreement.

FEATURES

- o States are responsible for notifying EPA in a timely manner of problems they experience in trying to accomplish their outputs. Likewise, EPA is responsible for promptly notifying States of its inability to supply promised support.
- o Formal and informal evaluations by EPA should be constructive, conducted in the spirit of promoting good performance through problem-solving, not fault-finding.
- o EPA's review and evaluation should emphasize overall performance, concentrating on the composite picture revealed by total output accomplishments.
- o EPA should focus on a State's performance against work program outputs and conditions unless other aspects of a State's program (procedures, processes, other activities) must be examined to analyze a problem or find its appropriate solution.
- o Formal review of State performance under the assistance agreement will entail, at a minimum, one onsite annual evaluation of each assistance agreement.
- o Review and evaluation of assistance agreements should be conducted by skilled, experienced EPA evaluators.
- o Oversight findings, successes as well as problems, should be documented to establish an accurate record of State performance over time.
- o Assistance oversight should use existing reporting and evaluation mechanisms to the extent possible.

CONSEQUENCES OF OVERSIGHT

Once the assistance oversight process has identified and documented areas in which States have had success or difficulty in meeting their commitments under the assistance agreement, EPA should respond to those oversight findings. Potential responses range from rewards and incentives for good performance, application of corrective actions to solve uncovered problems, and the imposition of sanctions to address persistent, serious performance problems.

APPROACH TO OVERSIGHT RESPONSE

The Agency's goal in providing performance-based assistance is to support and promote effective State environmental programs. Actions in response to oversight findings will be oriented toward finding the most effective ways to maintain or improve a State program's performance. Wherever possible, EPA should acknowledge excellent performance and help States solve problems which impede performance through corrective actions.

If problems regarding State achievement of work program commitments persist, EPA should pursue progressively more demanding corrective steps as necessary based on experience with a given State. In general, sanctions should be imposed only when corrective actions have failed to solve persistent, significant performance problems. Before taking any sanction against a State, EPA should raise the performance issue to the highest levels of the Region and State necessary to negotiate an effective solution to the underlying problem. Sanctions should not be necessary if both parties are explicit, straightforward and realistic in their expectations of one another and approach the assistance agreement process in the spirit of cooperation.

INCENTIVES

- o When a State meets its negotiated commitments or otherwise demonstrates success, the EPA Regional Office should take steps to acknowledge excellent State performance at the conclusion of the oversight review or at the end of the assistance agreement period.
- o EPA is committed to publicizing State program success. Assured recognition of a State's environmental achievements is one of the most effective incentives at EPA's disposal. Publicizing accomplishments also benefits States with performance problems by providing them with models for success.
- o In general, when a State demonstrates steady progress or a sustained level of high performance against negotiated commitments, EPA will institute the most appropriate rewards for achievement and incentives to promote continued success. Possible actions include but are not limited to:
 - Reducing the number, level, scope and/or frequency of reviews, reporting, or inspections to the minimum necessary for effective national program management;
 - Increasing State flexibility in using funds for special projects or State priorities;
 - Offering financial incentives (within existing resources), such as supplemental funding;

- Publicizing program successes through joint media presentations, awards, special letters of commendation to the Governor, or technology transfer to other States, EPA Regions and Headquarters.

CORRECTIVE ACTIONS

- o When oversight review uncovers a performance problem and determines its cause, EPA and the State must act on those findings by taking appropriate corrective steps.
- o Regions and States should follow a corrective action strategy based on the unique history and needs of a given State. This policy does not prescribe any particular sequence of corrective actions which must be undertaken, nor does it link specific corrective actions to particular types of performance problems.
- o Regions must initiate discussions with those States where problems have emerged, and work cooperatively with them to establish effective remedial strategies. This negotiated strategy should specify the timeframe during which EPA will expect the problem to be resolved, and any interim milestones that will be necessary to monitor State progress.
- o Possible corrective actions include but are not limited to providing EPA technical or managerial assistance, training or additional resources; increasing the number and/or frequency of reporting and oversight requirements; and shift State resources or otherwise re-negotiating the assistance agreement.
- o If a Region is not able to provide a particular essential type of specialized assistance to a State, the Region should bring this corrective action requirement to the attention of Headquarters program managers for action as appropriate.
- o The intent of this policy is to see that EPA assumes a constructive approach in responding to State performance problems. When corrective actions have failed, or EPA and a State cannot agree on a corrective action, the Region may consider imposing a sanction. If a sanction is contemplated, the performance issue should be escalated to the highest appropriate level of EPA and the State. The following sequence should be observed whenever possible:
 - a. The Regional Division Director responsible for managing the assistance agreement will raise the issue to the attention of the Deputy Regional Administrator or Regional Administrator and advise his/her State counterpart of this notification.

- b. The Regional Administrator will personally contact the State Environmental Director or other appropriate State manager to attempt to reach agreement on a corrective action, and to discuss the contemplated sanction.
- c. National Program Managers should be advised of any State program problems warranting a sanction, and should be notified of any final decision to take such action.
- d. If negotiations between the Regional Administrator and State counterpart fail to solve the problem, the Regional Administrator should judge under what circumstances notification of the Governor should occur.

SANCTIONS

- o Regional Administrators must recognize that national responsibility for any State environmental program continues after the imposition of a sanction. They should make arrangements for completion of crucial outstanding outputs and should take steps to promote and sustain activities the State is performing effectively.
- o As with corrective actions, any decision to impose a sanction must be based on EPA's particular experience with any given State. The Regional Administrator is responsible for determining when a problem may be significant enough to warrant such action, and for determining the appropriate type of sanction to apply.
- o Current regulations detail those sanctions traditionally available to EPA. They include: stop-work actions, withholding payment, suspension or termination of agreement for cause, agreement annulment, and other appropriate judicial or administrative actions.
- o Adjusting the schedule for award or release of assistance funds, or anything other than annual release or prompt payment of assistance funds is considered a sanction under the terms of this policy.
- o 40 CFR Part 30 Subpart L details formal procedures for resolving EPA/State disputes concerning assistance agreements. These procedures provide the opportunity for a State to document the grounds for any objections to the imposition of a sanction and for EPA to review its decision and address the State's objections on the basis of a written record.

A COMMUNICATION AND IMPLEMENTATION STRATEGY FOR THE AGENCY'S POLICY ON PERFORMANCE-BASED ASSISTANCE

Members of the Policy Group to the Performance-Based Assistance Task Force have emphasized the need to plan an implementation approach for EPA's Policy on Performance-Based Assistance. The Policy Group recommends that EPA adopt the approach summarized below.

IMPLEMENTATION OBJECTIVES:

Activities to implement the policy should serve the following objectives:

- Ensure that States, EPA Regions and Headquarters share a common understanding and interpretation of the Agency's Policy on Performance-Based Assistance;
- Ensure that these parties follow the principles of the policy to the full extent feasible in the FY'86 assistance cycle;
- Ensure that EPA managers incorporate this policy into program operations in a manner which will sustain implementation beyond FY'86.

SHORT-TERM COMMUNICATION: Getting the Word Out Fast

Many States and Regions will still be negotiating FY'86 assistance agreements when the policy is approved in April, 1985. It is essential that all States and EPA Regions and Headquarters (senior managers, Regional project officers and Regional grants administration staffs) receive this policy. More importantly, they must understand its substance and relevance. There needs to be a quick effort to broadly distribute and explain the policy, followed by steps to institutionalize such understanding. This section deals with disseminating the policy quickly.

- Deputy Administrator requests Executive Branch Organizations and the National Governors' Association to send copies of the policy as quickly as possible to their respective members (State program Directors, Governors or State Environmental Commissioners), and to feature it in their newsletters.
- EPA provides briefings on policy at upcoming ERO meeting

- Administrator sends the policy to designated Headquarters and Regional program managers.
- Regional Management Divisions sponsor briefings for Regional staffs within one month of policy's release. Work Group and/or Policy Group members present the policy. Headquarters program managers may elect to send staff to explain the policy's application to their program.
- Deputy Administrator convenes Assistant Administrators for briefing on policy. OMSE staff available to provide briefings to program staff if requested.
- OMSE prepares and distributes questions and answers to ensure consistent policy interpretation.

LONGER-TERM ACCOUNTABILITY AND FEEDBACK:

1. Assuring Consistent and Ongoing Implementation

A one-time effort to disseminate the policy will not ensure successful policy implementation. The Policy Group believes that program managers must play an active role in putting this policy in place. Accountability must be clearly assigned for follow-up.

- Within one month of the policy's release, Assistant Administrators advise the Deputy Administrator of actions planned or taken to conform their program guidance to this policy.
- The Office of Management Systems and Evaluation advises the Deputy Administrator of plans to strengthen the Operating Year Process to achieve early State participation in the Agency priority-setting process, and to ensure a clearer articulation of programs' top priorities.
- EPA Regional Administrators and Division Directors incorporate the policy's implementation into their performance standards for FY'86.

2. Evaluating Policy Results

Monitoring progress in implementing the policy should ensure that the Agency in fact speaks with one consistent voice on performance-based assistance. Reinforcing success quickly, or noting implementation problems early on, should help institutionalize the policy.

- OMSE briefs the State-EPA Operations Committee in June

and discusses their possible oversight role in monitoring implementation.

- Designated Work Group members including OMSE will evaluate Regional experience in implementing the policy, including a review of incentives and corrective action strategies, and may undertake other projects as necessary to support implementation.
- Regional Administrators should submit progress report at the conclusion of mid-and end-of-year reviews, including steps taken to recognize State success. Assistant Administrators' annual Regional evaluations will measure the Regions' success in implementing the performance-based policy.

BACKGROUND

POLICY ON PERFORMANCE-BASED ASSISTANCE

WHY WAS THE POLICY NEEDED?

- o To promote improved EPA/State performance under federally-funded continuing environmental programs.
- o To provide clear expectations between EPA Regions and States in managing assistance under a performance-based system.
- o To provide for consistent approaches across all EPA programs in applying existing regulations on State and local assistance (e.g., RCRA and OW were developing different approaches).

HOW WAS THE POLICY DEVELOPED?

- o In February, 1985, the Task Force on Performance-Based Assistance was formed. It was composed of a Policy Group and a Work Group. OMSE developed the schedule for the Task Force and coordinated the work. Task Force groups met during a number of all day and half day sessions.
- o EPA Headquarters, EPA Regions, and States were represented on both levels of the Task Force and all had an equal voice in shaping the policy. This structure fostered the principle of "no surprises" between EPA and States by allowing for ideas and issues to be raised and resolved through an open forum.
- o The Policy Group, chaired by Jim Barnes, agreed on overriding policy principles and key concepts, discussed outstanding issues, provided guidance to the Work Group for resolving issues, and refined policy language. (A list of Policy Group members is attached.)
- o The Work Group, coordinated by OMSE, developed the initial framework for the policy and provided the Policy Group with proposed policy choices and rationale for making those choices. (A Work Group membership list is attached.)

WHAT ARE THE KEY FEATURES OF THE POLICY AND MAJOR ISSUES?

Assistance Agreement

Major Features

The assistance agreement has three components:

o Work Program

- Specifies outputs, resources, and timeframes;
- Lays out measurable and realistic commitments;
- Is the product of negotiation between EPA Regions and States.

o Supplemental EPA Support to States

- Describes support (other than the assistance award) EPA expects to provide within a given year;
- Recognizes that a State's fulfillment of outputs may be contingent upon the receipt of EPA support.

o Evaluation Plan

- Outlines EPA's schedule and scope for review;
- Specifies at least one on-site review per year, performance measures, and reporting requirements.

Policy Group Discussion

The Policy Group discussed one major issue:

- o Should the policy define how to achieve the correct balance of National versus State priorities in assistance agreements?

The Policy Group examined how assistance agreements might address and balance both EPA and State interests. In general, members agreed that outputs should reflect National, State, and Regional priorities. But differences surfaced over precisely where and how to strike this balance between State and National interests.

The Policy Group decided that a formula for balancing National and State priorities would be impractical to set because of differences between programs. Rather, they decided that everything in the grant is negotiable, but Regions and States should clearly understand that EPA

will insist through negotiations that top National priorities as stated in the Operating Guidance be included in the work program.

This approach recognizes that a workable mechanism for defining (and limiting the number of) National priorities exists within the Operating Guidance, and should be enhanced if necessary to support this process. The approach also recognizes the importance of allowing States to negotiate activities which may not directly match National priorities, but which may yield significant environmental results.

Assistance Oversight

Major Features

- o Oversight should be conducted formally as part of EPA's comprehensive program oversight of delegated programs;
- o Oversight should be conducted informally through continuous dialogue between Regions and States;
- o Oversight is aimed at identifying successes and problems of States in meeting their commitments;
- o Oversight entails joint analysis of problems to determine their nature, cause, and appropriate solutions;
- o Oversight findings should be documented to establish an accurate record.

Policy Group Discussion

The Policy Group discussed one major issue:

- o What should the scope of grant oversight be as compared to comprehensive program evaluation/oversight (governed under EPA's Policy on Oversight of Delegated Programs)?

The Policy Group discussed the relationship between comprehensive program oversight and the more narrow review and evaluation of State performance under assistance agreements (i.e., assistance oversight). In general, members agreed that program oversight involves a broader range of reviews and responses undertaken to promote the overall health, quality and progress of delegated programs.

The Policy Group agreed that assistance oversight should focus on how well a State program accomplishes the outputs committed to in its work program. Assistance oversight should occur as one component of EPA's comprehensive program oversight, not as a separate process.

Consequences of Oversight

Major Features

EPA will take any of three types of actions in response to oversight findings:

o Incentives for Good Performance

- EPA will reward, acknowledge and promote State program successes by providing incentives for good performance;
- Actions include reducing level of oversight, publicizing successes, and creating program awards.

o Corrective Actions to Overcome Performance Problems

- EPA and States should take corrective actions before EPA may impose a sanction;
- Corrective actions include technical assistance, increased oversight, and renegotiating assistance agreements;
- If corrective actions fail, or EPA and States can't agree on the appropriateness of such steps, EPA must escalate the issue according to a prescribed sequence of management actions before taking a sanction;
- The escalation process includes raising the issue to the highest Regional and State levels.

o Sanctions as a Last Resort

- The Regional Administrator determines the need for and type of sanction;
- In addition to sanctions defined by regulation (withholding payment, stop work actions, etc.), the policy includes adjusting the schedule for award or release of funds, or anything other than annual release or prompt payment of assistance funds, as a sanction.

Policy Group Discussion

The Policy Group raised one major issue:

- o Should quarterly or semi-annual release of funds be a sanction or a corrective action? This issue most directly affects the RCRA program which has interpreted the scheduled release of funds as a corrective action, not a sanction. Calling quarterly schedules a sanction subjects any such decision to the escalation process.

The Policy Group decided that quarterly or semi-annual releases of funds are punitive actions and, as a result, are sanctions, not corrective actions. The latter are cooperative efforts aimed at solving problems identified through oversight. Sanctions are to be imposed only when these cooperative actions fail.

Administrator's Task Force on Performance-Based Assistance

Policy Group Membership

Chairman: A. James Barnes, Acting Deputy Administrator

States

Robert Arnott, Director
Health and Environmental Protection Office
Colorado Department of Health

Richard Carlson, Director
Illinois Environmental Protection Agency

Kenneth Hagg, Director
Department of Environmental Affairs, Massachusetts

J. Leonard Ledbetter, Commissioner
Department of Natural Resources, Georgia

Wallace Stickney, Director of Environmental Affairs
New Hampshire

EPA

Jack Campbell, Deputy Assistant Administrator
Office of Policy, Planning and Evaluation

Lee A. DeHihns, Associate General Counsel
Office of General Counsel

Gerald Emison, Director
Office of Air Quality Planning and Standards

Alan Levin, Deputy Regional Administrator
Region V

Henry Longest, Deputy Assistant Administrator
Office of Water

Alvin Morris, Director
Water Management Division

Harvey Phippen, Director
Grants Administration Division

John Skinner, Director
Office of Solid Waste

Administrator's Task Force on Performance-Based Assistance

Work Group Membership

	<u>Organization</u>	<u>Telephone #</u>	<u>Room #</u>	<u>Mail Code</u>
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Marla White	OECM	382-7550	W-G1	LE-130B

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Richard Mitchell	OARM	382-5297	W-3317	PM-216

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: MAR 20 1985

SUBJECT: Improving State Relations

FROM: Ken Fenner *KAF*
Chief, Water Quality Branch

TO: Section and Unit Chiefs

We can do some simple things to improve relations with our States that we do not need training for. We do need a little self-discipline and a conscientious, consistent, concerted effort to do them. We can also apply these to our staff and each other around the office. The results may take some time to see, but the effort should be worth it.

Are you ready for a WQS 60-second lesson in improving relations with your State counterparts and getting some results. Here it is: Please,

1. Smile at them, even when you're on the phone. Throw in a few chuckles every so often.
2. Show some interest in them. Ask them how their weekend or vacation was, etc.
3. Compliment them on any and every positive and good thing that they have accomplished, however small. Do this first or as soon in the conversation as possible. Give them honest praise.
4. Be nice, even when it is difficult, and keep smiling.
5. If a problem arises, minimize it to the extent possible and get on to the solution. Don't rub it in.
6. Ask for things, don't tell them to do things.
7. Say "please" and "thank you".
8. Let them know that you know they are busy, but "could they provide ... so on and so forth...?" You recognize their importance by doing this.
9. Recognize their good ideas and give them emphasis. Ask them their opinion first, regardless of whether you think you already have the answer you want. (You may change your mind.)
10. Be enthusiastic and encouraging about what they are doing.
11. When you are wrong or have inadvertently mislead them through the regulatory maze say to them as soon as possible and without hesitation: "I goofed, I'm sorry, I apologize for ..." and "now how can we move ahead from here?"

12. No matter how bad you think things have been in the past or how many wrongs have been committed or promises broken, the past is over and done. Today is fresh and new. Take any and every opportunity to improve matters regardless of how small.
13. Follow up phone calls with letters and letters with phone calls - take nothing for granted. Communicate with them. Keep lines of communication open, even when you disagree. This will show them that you are concerned about them and their work.
14. Remember, they want their concerns to be just as important as yours, they want to be trusted and regarded just as much as you. And in a large measure, your results depend on their results. They are important to us. Treat them like you would want to be treated. You will then truly become a manager of people with positive, productive results.

Thank you, and have a good, productive day.

No One Knows for Sure if Pollution Control Programs Are Really Working

EPA has no centralized pollution monitoring system. It relies on states and localities and even the polluters to gather data that may not tell the agency much.

BY ROCHELLE L. STANFIELD

As a nation, we spend \$45 billion a year to control air and water pollution, but we don't know whether we are getting our money's worth.

"Once the laws are passed and the regulations written, it has been assumed the problem was taken care of," said Martin D. Halper, director of the Environmental Protection Agency's (EPA) exposure evaluation division in the Office of Toxic Substances. "But what, in fact, is happening out there? Are the regulations doing what they are supposed to do to solve the problem?"

Each EPA pollution control program—and there are hundreds of them aimed at specific environmental problems such as contaminated drinking water, auto emissions and municipal land fills—includes requirements to monitor what is released into the environment.

But the leap from requiring this monitoring to obtaining useful information is long and high, involving technical twists, political and bureaucratic somersaults and inter-governmental back flips.

"There are a host of different steps in monitoring, and each one is fraught with innumerable problems," said J. Clarence Davies, executive vice president of the Conservation Foundation.

There are two basic types of monitoring, each with its own purpose and problems. To get a general impression of what the environment is like and whether we're making progress in cleaning it up, EPA and the states sample the air and water—ambient monitoring. To clean up the air

and water, the government limits the level of pollutants that each source can spew into the air or dump into the water. That requires a different, more precise, emissions monitoring because it is used as the basis for enforcement actions that must withstand legal challenges.

EPA has no centralized system to monitor all types of pollution. Each program

the types of monitoring, the placement of the monitors and the meaning of the data obtained.

There isn't enough money to purchase sufficient monitors, train those who must operate them and analyze the resulting data. Critics such as Davies say that is because monitoring is a "political orphan."

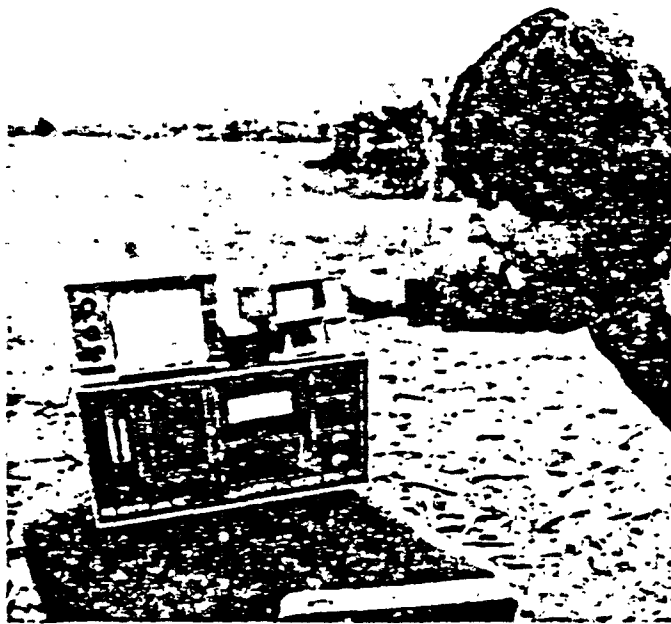
"It's not a sexy subject, so not only hasn't it received much manpower, it hasn't been taken very seriously," said Clifford S. Russell, director of the quality of the environment division of Resources for the Future Inc., a Washington think tank.

"If we're going to spend that much money to control pollution, you'd think they'd put a little more money toward knowing whether we're making progress, how fast, where we're not and why we're not," added his colleague, senior fellow Paul R. Portney, who estimates that federal, state and local governments spend about \$100 million a year on monitoring.

"In no city can I get information collected on a regular basis that tells me here's what is in the air I breathe if I

walk down Main Street," said David G. Hawkins, assistant EPA administrator for air and radiation in the Carter Administration and now an attorney with the Natural Resources Defense Council Inc. (NRDC).

The situation is worse for water, critics say, because the monitoring system is even more decentralized and the data less reliable because they come from the polluters. And monitoring of hazardous wastes and toxic substances is even spot-



A utility employee monitors air pollution.

office has its own approach and even its own identification code for polluters whose emissions might be subject to several monitoring systems. EPA doesn't collect most of the data but relies on states and localities, and the quality of the data can vary widely. The age and condition of some air monitoring equipment worries some analysts, and the reliability of water data is questioned because the monitoring is conducted by the polluters. Meanwhile, scientists and engineers fight about

tier because there is no consensus on what levels are safe.

But there is good news, even some of the harshest critics acknowledge. For the past two years, EPA management officials have been trying to bring some sense and coherence to the disparate monitoring systems through a quality control program. "I think EPA is serious about trying to pay more attention to environmental results now," said Portney.

"With the expansion of the quality assurance program, we're beginning to get to where I feel we should be," said Halper.

"Is everything a mess? If you look at it as a purist, the answer is probably yes," said Ronald Brand, director of EPA's management systems and evaluation office. "If you look at it realistically and ask, 'Has it been good enough to get us to make real progress?'—as far as I know, nobody denies the air and water are cleaner now."

AMBIENT MONITORING

It sounds simple enough to find out how clean the air and water are: sample them and analyze the samples.

But it's actually quite complicated.

What kind of samplers do you use? Where do you put them? How many samples do you take? How often? Are the data from different samplers comparable?

"You can determine the outcome of monitoring by where you put the monitor," said Davies. "How far is it from the nearest factory outlet into a stream or smokestack? That makes a big difference in the results." A Burbank (Calif.) air sampler once was located at the end of an airport runway, for example, resulting in incredibly high, and misleading, air pollution readings for the city.

EPA has a national ambient air quality monitoring system but no national network for ambient water monitoring. Instead, the agency contracts with the individual states to monitor water as a condition of receiving federal water pollution aid. While EPA has uniform guidelines for collecting the samples, analyzing them and reporting the results, quality assurance has always been a problem.

Researchers who want to use the data say they have a lot of trouble making sense of it. They are never sure how comprehensive the sampling is and whether the data are comparable across state lines.

EPA does not even use the data for its national reports, relying instead on separate national surveys that it conducts. But those survey results are generally spotty, providing a snapshot of water conditions, not a well-rounded picture over time, say the critics. To get the full picture, EPA and researchers use data collected by the U.S. Geological Survey.

But that has problems too. While researchers have a lot of confidence in the data collected by the Geological Survey—it takes plenty of samples and exercises good quality control—they complain that because the Geological Survey's network was set up to measure quantity, not quality, of water, the samplers are in the wrong places, far from the sources of pollution at the end of watershed basins.

"It's terrific for long-life pollutants that don't degrade or sink to the bottom" of the river, said Davies. But "that's not many pollutants. The large particles that sink to the bottom don't show up because

The audit also concluded that "most agencies are providing the required precision and accuracy [of] data."

The program did not always receive such high marks. In 1979, the General Accounting Office (GAO) found that 72 per cent of the monitors were in the wrong place, 58 per cent of the equipment was the wrong kind and 81 per cent of the sites had problems "which could adversely affect the data's reliability." Following that study, EPA imposed new monitoring requirements on state and local air pollution control agencies. A follow-up study in 1982 found some improvements—made slowly and at great cost—and many remaining problems and inadequacies.

"I think a fair characterization [of the national air monitoring system] is that it had fairly large problems through the mid-1970s, that it's really getting better but that everything's not hunky-dory," said S. William Becker, executive secretary of the state and local air pollution control administrators' organizations. The expected life of an air monitor is five years, for example, and an air administrators' survey last year found that the average age of monitors was 5.1 years.

The monitors might work and the states might be sending in accurate data, but too few data are collected to get an accurate reading of the air's condition, critics say. "It's as if you had a television set which showed only every 10th line and everything else was black," the NRDC's Hawkins said. "Even though that line is clear, you don't get a very good picture of what's happening."

EPA requires metropolitan areas to have two or three carbon monoxide monitors, for exam-

ple, while many more are necessary, he said. In fact, many large cities voluntarily have installed several times the required number, according to Hawkins. But to get an accurate reading of the air surrounding a rural power plant, the plant should be ringed with sulfur dioxide monitors, said Hawkins, and one monitor is the norm.

"There's not enough money—not just in the budget but in the whole universe—to monitor every place where people



Clifford S. Russell of Resources for the Future Inc.

they've disappeared" by the time the water they're in gets to the sampling station.

EPA's ambient air monitoring system is more successful. While the bulk of the data collection and analysis is done by state and local governments, the monitoring is more uniform and is conducted under a much more watchful federal eye.

Nearly all the 5,000 state and local air monitors are in the right place, operating properly and in compliance with EPA rules, an agency audit found last year.

breathe," said Joseph A. Cannon, until recently assistant EPA administrator for air and radiation and now a Washington attorney. "So you have to make assumptions."

Those assumptions take the form of complex mathematical models of the air quality based on information gathered by monitoring, climatic conditions and other factors. Critics question the data used in the models. Robert W. Crandall, a senior fellow at the Brookings Institution, attacks the sulfur dioxide models, for example, because they assume that scrubbing devices on utility boilers work all the time even though they are frequently broken.

Mathematical models are often used by government to justify requiring the installation of expensive pollution controls and by industry to avoid those controls. Cannon recalled an instance where EPA models showed the need for pollution controls on a power plant, while New York State and industry models showed there was no need.

Models versus monitors is becoming a more controversial issue as EPA makes a fundamental change in how it measures soot, dust and other particles in the air. Instead of measuring the total amount of particles, it is going to require that the tiny particles—which are the most dangerous to health—be measured separately. (See NJ, 3/17/84, p. 516.)

That will require new air samplers, which EPA has just purchased. But there was only enough money in the budget to buy 665 new machines—only about a third of what is needed, according to Becker. Cannon says more monitors aren't required because the mathematical models show that many areas are very unlikely to violate the new standards, and so would not need the new monitors. The models will be used to predict which areas are most likely to violate the new standards and thus require the new air samplers and stricter controls.

Becker strongly disagrees that states will be able to enforce regulations based on mathematical probabilities of noncompliance with the new standard. "If I'm an industry and a state regulator comes to me and says, 'We think that because this

area has a 50 per cent probability of exceeding the standard, you need to spend \$1 million putting on controls,' that's not going to fly," said Becker. "We need good monitoring data so we can say, 'Listen, you are operating in an area in violation of the standard so, we have to crunch down on the controls.'"

EMISSIONS SAMPLINGS

Controlling pollution at the source is this country's approach to cleaning up the environment.

Before a potential industrial polluter can release anything into the air or water, it must get a government permit that spells out how much pollution is permitted and what equipment must be installed to meet those limits. The best way to check compliance with these requirements is to monitor what comes out of the smokestack or sewage pipe.

A regulator's dream would be for each stack and pipe to be equipped with a machine to keep track of emissions and ring a bell when the rules are violated. For the foreseeable future, that's technologically, politically and economically impossible. Instead, federal, state and local governments have established emissions

handful of monitors on brand new boilers only to enforce the sulfur dioxide standards against those pollution sources.

EPA is working on regulations that would allow the agency to use the data from more monitors as an enforcement tool. But even when these regulations are implemented, the majority of old boilers—probably also the dirtiest—will still not be required to install continuous emissions monitors.

In the absence of continuous emissions monitors, sulfur dioxide pollution from most coal-fired power plants is measured by sampling the coal and calculating the emission from the sulfur content of the coal. EPA enforcement officials say this is an imprecise measure, at best.

Regular monitoring of polluters for compliance with other air quality regulations is practically nonexistent. State enforcement agencies inspect the pollution control equipment to make sure it is installed and working properly. But these inspections are very expensive, and so the states average only one inspection of each polluter a year—twice a year for the very large polluters—according to a survey by Resources for the Future.

"An inspector is sent in once a year, so you know that they are in compliance right now," said Bern Steigerwald, director of the office of regional programs in EPA's air quality policy and standards division. "But you don't know whether they are in compliance 10 hours after your visit or two weeks before it."

An additional problem is that nearly all of these inspections are announced a week in advance, in part because of the ambiguities in the case law concerning so-called warrantless searches.

"It's not really as bad as it sounds," said Becker. "It's tough [for the polluters] to sweep everything under the rug because the inspectors go through all their records. And the states generally know who the bad actors are. . . ."

Emissions monitoring for water pollution is more consistent than for air pollution, but the reliability of the data tends to be questioned because the monitoring is done by the polluters. Holders of water pollution permits have to take samples of



S. William Becker of the state administrators' group

monitoring systems based on periodic inspections of the polluters that everyone agrees have a lot of problems.

The closest thing to the regulator's dream machine are continuous emissions monitors on some utility and industrial smokestacks. Several hundred of the many thousand boilers that burn fossil fuels (the source of most sulfur dioxide pollution) are equipped with these monitors. But EPA and the states are permitted to use the data collected from the

the effluent they discharge, have it analyzed in a certified testing lab and report the results to the state or EPA. Filing false reports carries a heavy fine.

In addition, state pollution control agencies told Resources for the Future that they inspect large sources of pollution about three times a year, small sources about every eight months. "If the fox is guarding the chicken coop, you'd like someone to go in from time to time and check his teeth for feathers," said Russell, who conducted the survey.

The NRDC has found other reasons for the polluters to file accurate reports—generally nothing happens to them when they report violations of their permits. NRDC studied monitoring reports for 2,200 major industrial permit holders in 21 states and found that 90 per cent of them had at least one violation over the course of a year and more than 30 per cent reported significant recurring violations. In very few cases did the state take action against them, says the NRDC.

NRDC and other environmental organizations have filed suits in all 21 states. NRDC's suit against Bethlehem Steel Co.'s Baltimore (Md.) plant for consistently violating its permit, cites the company's own reports as evidence. The company, however, contends that the reports are inaccurate.

TOXIC POLLUTANTS

After 15 years of wrestling with the problems of monitoring air and water pollution control efforts, EPA now faces the far more complex job of tracking toxic pollutants.

"There are a whole lot of toxics, many times the number of conventional pollutants," said the Conservation Foundation's Davies. "There are no good methods of monitoring them. The methods they have are very very expensive and they're not willing to spend a lot of money," he said.

The fundamental problem is lack of agreement within the scientific community on how much, if any, of a toxic pollutant can be safely left in the air or water. Partly for that reason, EPA has been very slow to set standards for allowable levels of toxic pollutants, particularly in the air.

The 1977 Clean Air Act Amendments told EPA to evaluate hazardous pollutants. EPA has chosen 37 to study to determine whether they should be regulated. So far, less than a dozen have been regulated, although former EPA administrator William D. Ruckelshaus prom-

ised Congress in 1983 that EPA would evaluate all 37 by the end of this year. (See NJ, 11/17/84, p. 2200.)

"Thirty-seven is not a magic number. There are no magic numbers," said Becker. The states and localities "don't know whether to regulate 37 or 337 air toxics. Philadelphia regulates 99 of them."

Once EPA, the states and the localities decide which toxics to look for, they face real problems monitoring them. "You're talking about compounds present in the air in concentrations a thousandth of the level" of conventional pollutants, said Steigerwald. Still, many scientists believe these traces could be deadly over time.

Monitoring these substances is thus much more complicated and requires highly trained technicians. "We're not at the stage where you buy something, unpack the box and plug it in," said Steigerwald.

Steigerwald is overseeing an EPA project to test air toxic monitoring equipment in Boston, Chicago and Houston. The initial plan was for a network of 15-20 monitoring stations around the country. "But that didn't make it through the budget process—not because of the



Conservationist J. Clarence Davies

money but because the methodology couldn't be explained soundly," said Brand of EPA's management office. "Every state wants to set up an air toxics monitoring effort, but before you make that investment, you ought to be sure it tells you something."

Becker is not satisfied with that answer. "There is no excuse for not establishing a nationwide air toxics monitoring system that could give the public, Congress and federal, state and local agencies

assurance about what is out there," he said. "Yet we're going to play around for three or four years with experiments in three cities."

There is no uniform or systematic approach to monitoring toxics in water, either. That is being handled through individual industrial permits and a program just getting off the ground that requires municipal sewage systems to oversee the pretreatment of toxic industrial wastes before they are dumped into the sewers. (See NJ, 2/9/85, p. 312.)

As EPA begins to regulate new kinds of pollution—air and water toxics, groundwater and wetlands contamination—it also has to set up new monitoring networks to track the results. And EPA wants to make sure these monitoring systems are more effective than the agency's past efforts.

"Setting up a network costs money," said Brand. "So before you set it up, you want to know first if it is designed to capture what you want. Of course, what everybody wants is everything. We have to have a strategy and we have to make choices."

EPA is also reviewing existing monitoring networks. Its Office of Research and Development is in the early stages of a multiyear project, called data quality objectives, to examine each monitoring system.

The reviews focuses on a series of basic questions, such as why the data are needed. "If you don't answer that question, you can't tell whether the monitoring data is good, bad or indifferent," said Brand. Other questions include the quality of data needed—whether just enough to see trends or accurate enough to stand up in court—and how to make sure the needed accuracy is obtained.

Brand's office is approaching monitoring from a broader management perspective in its "environmental results" project, which is trying to tie monitoring into agency decision making. His effort asks questions such as what the agency is trying to accomplish environmentally and how it will be able to tell whether it is succeeding.

"We'll never have a consumer price index of the environment, although that's what everybody would love," said Brand. "But I think we will end up with a family of indicators that will give a picture of the environment and how it is changing."

Critics praise the intent of these projects. Some, such as Russell, believe it will lead to real monitoring improvements within a few years. Others, such as Davies, are much more skeptical. "So far as I am aware of, they're not really making improvements in the monitoring itself. If things were going right with monitoring, that really would be a big story." □

Monitoring

In FY 84, the Agency in an effort to give greater emphasis and focus to monitoring, required each National Program to develop a monitoring strategy. For the effort begun in FY 84, all the National Programs were required to update their monitoring strategies annually by May 25, of each fiscal year. Attachment A is a copy of the Guidance given to each National Program for updating the monitoring strategies in FY 85. Listed below are the current monitoring activities of each Program:

Air - Part 58 of the Air Monitoring regulations are being revised and are expected to be promulgated by the end of FY 85. The revised regulations will reflect greater emphasis on quality assurance.

The Toxics Monitoring Program is another major activity for FY 85. It is being implemented at a snail pace at the State and Regional level. Also, the recently completed Philadelphia study tested out 4 or 5 different methods for monitoring air toxicants. Chicago (SE Chicago) is 1 of 3 cities that is a continuation of the study began in Philadelphia. The Region and IEPA are monitoring for heavy metals and toxic organic compounds.

Water - The Office of Water (OW) as a result of last year's monitoring strategy is revising the Water Monitoring and WLA program guidance and will be implemented in FY 86. There have been 2 drafts; none final as yet. The Guidance asks for more bio-monitoring, Ames test, toxics data, and more site and specific analyses to support the issuance of toxic based permits. This is a slight shift away from the ambient data focus. Also, data integration is another major activity in FY 85. The Region and Headquarters want to be able to look at ambient data and effluent data to do better water quality modeling.

Pesticides - The National program is working closely with OSWER (RCRA program staff) and OW to better define and support groundwater contamination and non-point source incidents resulting from pesticides. Also, the National program has been tasked with the Lust survey. The survey is looking at health effects and other implications due to product use or misuse of pesticides.

Groundwater Strategy - The National strategy is to fill the gaps where the regulations of the programs are not covering monitoring and synthesize the data that are produced by the different agencies (USGS, Agriculture, EPA, State and local agencies) for the purpose of improving the methods for doing ground-water monitoring. Also, Headquarters is working with EMSL and the Illinois Water Survey Agency on better collection and analyses methods. This is a pilot project.

RCRA Groundwater monitoring - OSWER will be coming out with better regulations on ground-water monitoring for the RCRA program. Promulgation date for these regulations is not known.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C 20460

MAR 11 1985

THE ADMINISTRATOR

MEMORANDUM FOR: Assistant Administrators

SUBJECT: FY 1985 Monitoring Strategy Updates

EPA's environmental policy requires programs to develop monitoring strategies and update them annually. This memorandum provides guidance to programs on preparing these updates which are due May 25, 1985.

If you have any questions on the following guidance, please contact Ron Brand, in the Office of Policy, Planning and Evaluation at 382-4028.

1985 Monitoring Strategy Updates

For all the offices that prepared strategies last Spring I am requesting a brief (five to twenty page) update. The strategy updates should contain two major sections which:

- o Document substantial changes in monitoring policies, plans, networks and activities which have occurred since the 1984 strategies were submitted, and
- o Describe a few (e.g., two to five) monitoring activities or programs which you determine are most in need of improvement during the next year or more.

The offices developing new monitoring strategies, such as ground water, should refer to the 1984 monitoring strategy guidance (attached), although some modifications may be appropriate.

A. Information on Substantial Changes in Monitoring

The first section of the monitoring strategy update should document any substantial changes in the office's monitoring policies, plans, programs and activities since the last strategies were completed. Examples of "substantial changes" include:

- o Newly identified information needs
- o New monitoring networks
- o Shifts in the pollutants and parameters of interest
- o Major changes in the areas where monitoring is performed
- o Progress in the development of new monitoring data systems
- o New research monitoring programs.

If basic changes in policy or extensive changes to monitoring programs have been made, you should provide revised monitoring strategies rather than summarize the changes.

B. Information on Monitoring Areas For Improvement

The second section should present a few areas the program proposes for improvement in order to meet critical program, Regional and State information needs. In selecting these areas, programs should first consider their overall environmental goals and priorities and explain briefly how the monitoring proposals are related to achieving them. Possible areas for improvement include maintaining or enhancing existing programs, cross-cutting issues such as providing improved data processing and quality assurance, and developing new monitoring networks. This section should also include a brief explanation of why each monitoring area is in need of improvement and what actions are proposed to address these shortcomings. The Regional Administrators for each lead Region are responsible for advising the appropriate Assistant Administrators in this process.

The preparation of the 1985 monitoring updates should provide a basis for your planning for the FY 1987 monitoring budget requests. We will have a special review on EPA's monitoring budget again this summer.

Review of EPA Monitoring Strategies

In reviewing the 1985 monitoring updates, I am particularly interested in how changes in environmental monitoring activities relate to meeting our environmental goals and priorities. I will be raising very basic questions, some of which are described below. You may find them useful in deciding what areas to focus on and what changes to recommend.

- o Do the changes in monitoring move the program closer to the goals of EPA's monitoring policy?
- o Are the areas for improvement closely linked to Agency and program goals?
- o Does the program have the monitoring information it needs to:
 - Measure progress in meeting EPA's longer-term environmental goals?
 - Assess achievement of nearer-term program operating objectives?
- o Where improvements are proposed, are there clear definitions of the major uses and users of the monitoring information to be collected? Are unmet information needs identified?

- o Do the proposals take advantage of opportunities to coordinate activities across programs?
- o In the areas selected for improvement, do the updates address how Headquarters programs will provide technical leadership and what actions are needed to build improved monitoring capabilities in the Regional, State, and private laboratories?
- o Do proposals for improvement in selected areas provide adequate information for analyzing their feasibility, resource and timing needs, and the organizations which must work together to bring about effective changes?
- o What will the program office and EPA be able to do better as a result of implementing the proposals for improvement and, conversely, what would be lost if we do not move forward with them?

Schedule for the 1985 Monitoring Strategies

I will review the monitoring strategy updates in June. The special analysis of the FY 1987 monitoring budget requests will be conducted in July.


Lee M. Thomas

Attachment

cc: Regional Administrators
ESD Directors

Attachment

Guidance for the
1984 Environmental Monitoring Strategies

December 14, 1983

GUIDANCE FOR PREPARING ENVIRONMENTAL MONITORING STRATEGIES

INTRODUCTION

This document is the companion piece to the Environmental Protection Agency's Monitoring Policy Statement and provides guidance to the program offices for preparing environmental monitoring strategies. Programs' draft strategies are due April 4, 1984; final strategies are due May 25, 1984.

PURPOSE OF STRATEGIES

Systematic and well thought out environmental monitoring that meets the Environmental Protection Agency's needs for a wide range of information is essential for the overall credibility of the Agency's programs.

The Monitoring Policy specifies that each line program (Office of Air and Radiation, Office of Water, Office of Solid Waste and Emergency Response, Office of Pesticides and Toxic Substances, and Office of Research and Development) will develop program monitoring strategies. Having written monitoring strategies for each program that address similar aspects of monitoring should give managers and staff throughout the Agency a better understanding of the many environmental monitoring efforts under way. It should also improve coordination of monitoring activities between programs, between Headquarters and the Regions, and between EPA and State and local agencies conducting environmental monitoring. Finally, preparing monitoring strategies will also be a way to identify where monitoring that is needed is not under way, problems with monitoring that need improvement, and activities that are duplicative of other programs' efforts or that are not effective and need to be corrected.

APPROACH

This guidance follows the outline for monitoring strategies included as an attachment to the Monitoring Policy. Each program's monitoring strategy should:

- o Define the full range of its environmental data needs,
- o Outline how those needs are being and will be met,
- o Identify problem areas and present specific actions that will be taken to address them, and
- o Provide schedules for achieving key interim and final monitoring milestones.

In preparing its strategy, each program office should consider each point of the Policy Statement to ensure that the strategy is consistent with the Policy. Specifically the goals and objectives for Agency monitoring activities stated in the Policy are to:

- o Meet the full range of current and future Agency needs for environmental data.

- o Ensure monitoring is technically and scientifically Sound.
- o Ensure environmental monitoring data are managed to facilitate both access and appropriate use in Agency decision making.
- o Ensure effective and coordinated Agency-wide processes for planning and execution of monitoring activities.
- o Ensure that roles and responsibilities are clear in regard to monitoring management and implementation by EPA and State officials.

More than one strategy may be necessary for some offices. For example, a program might choose to develop one strategy to deal with compliance monitoring and data reported by sources and another strategy to deal with ambient and other types of monitoring. Also, some programs may already have existing strategies that fulfill most or all of the elements of a strategy as specified by the Policy. If so, programs may use existing strategies and supplement them as needed. Because many offices will be reviewing the strategies to ensure coordination, the strategies or supplemental material should adhere to the outline as closely as possible.

The strategies should be succinct, with the length of each strategy not expected to exceed 50 pages.

This guidance is not intended to be comprehensive for every aspect of a strategy, nor is it intended to inhibit a program office's creativity in preparing its strategy. Furthermore, not all elements of a strategy outlined in the guidance will be equally applicable to all monitoring activities. For example, some programs require much more coordination with States than other programs. Therefore, programs should try to cover the items in the guidance but should not be constrained to those items.

CONTENT OF STRATEGIES

SECTION 1: PROGRAM'S MONITORING GOALS AND OBJECTIVES AND ENVIRONMENTAL INFORMATION NEEDS

A clear statement of the program's monitoring goals, objectives and environmental information needs, including both narrow operational and broader long-term needs, is perhaps the most important section of the strategy. This section should answer why such information is needed, what questions are to be answered, what decisions will be based on the monitoring information, and what the relative priorities of these needs are.

Some statutes mandate certain monitoring, or specify activities that require monitoring, in order to carry out the activities. These legislated activities and related monitoring requirements should be identified in this section of the strategy.

In preparing this section of their strategies, programs should refer to the information needs that are listed in the Monitoring Policy. Examples of questions that a program should consider when developing its strategy are:

A. What Data Will the Program Collect to Make Assessments of Status, Trends, and Emerging Problems?

- o For which chemicals, class of chemicals, or other parameters will national, Regional, State and local environmental baselines and measurement of trends be established? Some baselines and trends may have already been established by existing monitoring networks or programs, and these should be identified in the monitoring strategy.
- o For which populations or species will monitoring data be collected to allow exposure and risks to be assessed? What environmental damage, such as corrosion and/or impairment of aesthetics, will be assessed?
- o For what types of problems and for which chemicals or class of chemicals will monitoring be done to detect emerging problems?

B. What Monitoring Will the Program Do to Support Operational Needs?

- o What rulemaking, including the chemicals, class of chemicals or industrial processes, will be supported by monitoring?
- o For which sources or classes of sources is compliance to be determined? What are the relative priorities of these sources for compliance monitoring?
- o For which ambient standards will compliance be determined?
- o What is the anticipated level of enforcement monitoring that will be required?
- o What specific control activities will be monitored to evaluate program effectiveness? In what terms will effectiveness be measured (e.g., environmental quality, exposure, and/or risk)?

C. What Research is Planned for Developing New or Improving Existing Monitoring Methods Such as Instrumentation, Network Design, Sample Collection and/or Analysis?

This list of questions is not intended to be an exhaustive list or apply equally to all programs. However, programs should define their monitoring data needs as precisely as possible.

Also, because some data often can be used for more than one purpose, programs may want to display their needs in a table or matrix.

SECTION 2: DESCRIBE THE EXTENT TO WHICH NEEDS ARE NOW BEING MET

This section of the strategy should describe the existing networks and/or other monitoring efforts. In addition, the strategy should describe which environmental information needs identified in Section 1 are being fulfilled by the current monitoring efforts and how they are being met.

This section should identify each monitoring program or individual project and describe for each the:

- o Goals and objectives
- o Data needs that are being satisfied or will be satisfied.

This section also should identify the additional monitoring needed, beyond that which currently is conducted, to fulfill the environmental information needs identified in Section 1 of the strategy. This additional monitoring should be described in terms of the type and extent of the networks and/or other projects or special studies, or the source oriented monitoring efforts that are needed.

Limitations exist with any monitoring system; not all environmental information needs can be met by any one given monitoring effort. These limitations should be discussed. For example, if the network or monitoring system design is stratified to develop a national baseline but not to target on potential hot spots or localized concentrations, or if monitoring is for hot spots or priority areas and not for an overall baseline, this should be made clear. If exposure to pesticides is being monitored by an adipose network, it should be made clear what pesticides can be detected using that network and how or whether the program plans to track pesticides that would not show up using that method (e.g., plans to analyze for metabolites in body fluids).

SECTION 3: OUTLINE THE PROGRAM'S PLAN FOR MONITORING TO MEET THESE NEEDS

This section should clearly identify the program's priorities for the current and proposed monitoring activities described above. (Provide the relative priority and approximate costs of each program in terms of personnel and contract dollars.) Programs should indicate priorities in two ways: (1) assuming existing approved levels of program resources, including transfers of resources into or out of monitoring activities; and (2) assuming some additional resources. The strategies should clearly indicate alternatives regarding allocation of resources to monitoring.

The quality assurance project plans that are required and their status should be referenced. For each monitoring effort, the title and date of issuance of completed quality assurance project plans should be included. If quality assurance plans have not been prepared, the schedule for completion of the project plans should be included.

SECTION 4: DESCRIBE HOW DESIGN, SAMPLING, HANDLING, CHEMICAL ANALYSIS, DATA ANALYSIS AND DATA PROCESSING WILL BE CARRIED OUT TO ASSURE (1) REPRESENTATIVENESS AND (2) QUANTIFICATION OF OVERALL ERROR BOUNDS

The strategy should include sufficient detail about how the monitoring will be conducted to give the reader a clear understanding of the data that will be produced by the effort.

It is important that the representativeness and the confidence one can expect in the data be as clear as possible.

SECTION 5: DESCRIBE LINKAGES WITH OTHER PROGRAMS, INCLUDING MONITORING PROGRAMS, CRITERIA AND STANDARDS, RISK ASSESSMENT AND ENFORCEMENT; DESCRIBE LINKAGES WITH OTHER FEDERAL AGENCIES

There are several areas where improved coordination would be very beneficial. Some linkages may have already been established between or among monitoring programs and need only be described in the strategy. Other coordination efforts need to be developed and clarified. The strategies should address the areas that generally need better coordination and provide specific plans for improving coordination. The areas to be covered are:

- o Intra-Program Coordination. Monitoring activities within programs that potentially should be better coordinated include a program's monitoring to support criteria and standards, risk assessment and enforcement activities within a program or across programs.
- o Inter-Program Coordination. Perhaps the greatest short-term opportunities for improved coordination are inter-program monitoring of ground water contaminants by the Drinking Water, RCRA, and Superfund programs, and coordination of toxic air pollutant monitoring and data reporting among the Air, RCRA, and Superfund programs.
- o Coordination among Federal Agencies. Some legislation is very specific about establishing coordination among different Federal agencies. The Clean Water Act and Federal Insecticide, Fungicide, and Rodenticide Act state this clearly. Other legislation, while not as specific, also requires coordination, such as between Superfund and the Centers for Disease Control. In general, Federal monitoring is not well coordinated despite significant potential benefits.

- o Research and Development Support. Each program office will need to identify the research support it will need from ORD. ORD should address analytical methods development, development and distribution of quality control samples, development of standard reference materials through the National Bureau of Standards, development of anticipatory monitoring networks, and monitoring for developing models as well as other areas.
- o Technical Assistance to the States. What technical assistance is needed by the States in order to help ensure that programs can be carried out?
 - Lab support for the more difficult samples
 - Training
 - Quality control assistance
- o EPA Regional Labs and Field Support. What lab and field support do the Regions need to provide to carry out the monitoring objectives? This support should be stated specifically enough to be used in planning equipment purchases and staffing.
- o Contract Support. The contract support that is planned to support monitoring should be described, including the provisions for ensuring the quality control of the data.

SECTION 6: IDENTIFY TECHNICAL BARRIERS, ISSUES, AND OPPORTUNITIES

Many monitoring efforts can be envisioned that can not be readily implemented due to lack of appropriate analytical procedures or other technical limitations. Also, opportunities may exist for collecting data more directly related to a program's needs by developing or incorporating new techniques.

This section should clearly identify any barriers, issues, and opportunities so that they can be dealt with as systematically as possible.

SECTION 7: CLARIFY THE RESPECTIVE RESPONSIBILITIES OF VARIOUS HEADQUARTERS OFFICES, THE REGIONS, AND STATE AND INCLUDING LOCAL PROGRAMS

It will become increasingly important to clarify the respective roles and responsibilities of EPA Headquarters, Regional Offices, and State and local agencies. This will be particularly important for State and local agencies, since many States and communities have multiple agencies responsible for EPA monitoring, which can further complicate coordination.

SECTION 8: IDENTIFY DATA PROCESSING AND DATA ANALYSIS TASKS

In order to ensure that the monitoring data collected are used most effectively, programs should develop a strategy for using environmental data and explain how data will be stored and made accessible to users, and how such data will ultimately influence program management.

Storage Systems

- o Programs should describe existing and planned storage systems for environmental data, including current problems.
 - What system will be used to store data from each monitoring activity or network?
 - Who will input the data and how often will this be done?
 - What problems have there been?

Processing and Analysis

- o Programs should describe current and needed data processing and data analysis capability.
 - What types of analyses are and will be conducted with the data? Who will carry out the analyses and how often?
 - How will data be made accessible and to whom?
 - How compatible are systems within a program? With the systems of other programs?

Program Management Support

- o Programs should explain how the data supports program management.
 - How will the results of analyses be used?
 - What types of reports will result from the analyses? For whom are they prepared?

Coordination of Activities

- o Where programs have identified potential and existing multiprogram use of monitoring data, the strategy should describe how data storage, retrieval, and analysis will be coordinated to support multiprogram application.

SECTION 9: PROVIDE A SCHEDULE FOR IMPLEMENTATION

The strategy should be written specifically enough so that once Sections 1 through 4 have been completed, milestones can be identified and included in the Strategy. Some of the milestones may relate to developing networks, some to completing final products, and some to assessing compliance of a certain class of sources. Some of the final products may be more than a year in the future; interim milestones should be included.

APPENDIX: COST AND OTHER RELEVANT RESOURCE ISSUES

For information to be available in development of the FY 1986 Agency budget, programs should include in a separate section (not for Agency-wide distribution) a more detailed presentation of their resource needs. This section should elaborate on the costs described in Section 2, and discuss costs of monitoring activities and relative priorities. Ideally, costs should be described in terms of funding, positions, extramural funding, and State grant funding. The costs should be identified in terms of planning, field efforts and sampling, laboratory support, data handling, quality assurance, data analysis, and data interpretation. (Guidance for this appendix needs to be developed with the Comptroller's Office.)

DRAFT

FY'85-86 OUTREACH STRATEGY

OFFICE OF PUBLIC AFFAIRS

INTRODUCTION

The need for active public involvement in the Agency's programs has long been recognized. Points of access into the agency's decision-making process are numerous and well known. As a result, the agency's various constituent publics have been able to positively improve the agency's policy and program initiatives.

This strategy addresses the need for the Region to be proactive in informing and educating the public about itself -- our mission, goals and objectives, as well as the limitations under which we must work. There has not been a coordinated, comprehensive attempt to target our outreach efforts in such a way as to maximize the exposure of the Region's spokespersons.

The outreach strategy seeks to identify, in a coherent and coordinated fashion, opportunities to explain the agency's programs and the rationale which underline them. The overall goal is to create a broad based understanding of the agency's mission.

The strategy is proactive. We cannot simply wait for opportunities to come to us. We must identify which constituents we want to speak to and identify the most advantageous opportunities to do so. We must then actively promote our participation. In targeting constituents for outreach, we must be careful not to overlook any of our various publics. We will consider all of our constituents, but will direct our efforts toward areas of particular importance based on Agency and Regional priorities and needs.

While this "Outreach Strategy" has been developed by the Region's Office of Public Affairs (OPA), its success is dependent on the commitment of the Region as a whole to keep the public informed about and involved in our activities.

It should also be recognized that Region V programs conduct public outreach efforts which are not addressed in this Strategy. The Strategy presents three aspects of outreach for increased emphasis over the next year and a half; it is not meant to be all inclusive.

Time Frame. The strategy's planning and implementation time frame goes from March 1, 1985 to October 1, 1986.

The complexities of the outreach process - including contacts, scheduling, and the like, requires a time line which stretches beyond the current Fiscal Year. This is dictated more by the planning horizons necessary to impact the activities of targeted constituent groups than by constraints on our own activities.

DEFINITION OF THE STRATEGY

The Outreach Strategy has three major components each involving a number of activities: Press Outreach, RA/DRA Outreach, and Program Specific Outreach.

I. PRESS OUTREACH.

Goal: To increase opportunities to better acquaint the press with the Agency's roles and activities.

Press releases, press inquiries, interviews, story background, and briefing comprise the normal press/EPA interaction. However, beyond these routine activities, Region V will notify editors/reporters in advance of the selected visits of the RA, DRA, or Division/Office Directors in their area. The purpose of the notification is to allow local media representatives to request and schedule interviews/background briefings with top EPA managers. It is not a process which attempts to manufacture news or to set up pointless briefings. It is a process designed to increase opportunities for local media to meet with EPA officials.

Recognizing that it is not always practical (or desirable) to be available to the press, the RA/DRA and Division/Office Directors will select which trips from their schedule travel they wish to flag for "Outreach". In order to give advance notice to the media, OPA must be informed about planned speaking engagements as early as possible. Programs should routinely inform OPA of planned speaking engagements. OPA will develop a speaking calendar which will be continuously updated and forwarded to Headquarters for inclusion in their speakers' calendar.

Media sources will be notified of selected scheduled speaking engagements for the RA, DRA, and Division/Office Directors and sent information packets which will include: The name of the speaker, the date, place and time of the speech, the name of the groups being addressed, the speech topics, and if possible, a speech abstract. (For this to work, it is important that the OPA media listing update be completed and on-line.)

Once committing to an "Outreach" visit, travelers must be prepared to factor in the additional time necessary to meet with media representatives. OPA will inform travelers of any intended press coverage learned from media contacts and any other "Hot Issues" in the vicinity. Travelers should be prepared to de-brief upon return. Issues which may be raised outside the program area of the traveler need to be relayed to the proper program person for response. OPA will contact programs after "outreach" visits to learn about results.

II. RA/DRA OUTREACH.

Goal: To select and schedule in advance the RA/DRA "Outreach" efforts so that speaking engagements are targeted toward the midwest/national groups most important to the Agency's success.

Given both the RA's and DRA's stature and limitations on time, it is imperative that speaking forums selected be the most visible, newsworthy, and policy focused. In addition, the RA and DRA should reach the widest possible audiences per venture.

In order to accomplish these objectives OPA will identify potentially important groups (business/industry, political/governmental, environmental) and their representative associations, including regional chapters. OPA will obtain from the association representatives, meeting calendars and/or meeting planning schedules. In addition, OPA will request from EPA-Headquarters National meeting calendars in order to identify national meetings occurring in the Region.

Using the combined meeting calendars, OPA, in consultation with the RA and DRA, will identify approximately 10 to 20 targeted speaking engagements for both the RA & DRA over a 12 month period. Selecting targeted groups will be coordinate with senior managers, when appropriate. Efforts will be focussed on areas important to Agency/ Regional priorities and needs. Travel and schedule limitations will, of course, have to be considered. OPA will contact the targeted meeting representatives and actively promote the participation of the RA/DRA. Appropriate programs will be notified when speech arrangements are confirmed (e.g., APCA - AMD). Speech preparation will be coordinated with specific programs when needed.

A second component of the RA/DRA outreach strategies involves contacting and briefing state elected officials. It is more and more important that State elected officials understand their role in the State/Federal partnership. These efforts could be particularly important for programs where either State or Federal dollars are diminishing, current regulatory protection is inadequate, or State authorization is an issue.

Working with State agency personnel, OPA will schedule a series of briefings for -- state legislative (e.g. environmental committee members) and executive personnel. These efforts will be State specific. Potential visits, presentation topics, and strategies will be carefully considered and fully coordinated with Region V program and State management. In addition, the the briefing visit should include a courtesy call to the Governor.

The briefings are not intended to be a major road show. They are a personal briefing by the RA/DRA for legislative personnel.

III. PROGRAM SPECIFIC OUTREACH.

Goal: To provide programs with specific "Outreach" services that reflect individual needs and priorities.

Each year, OPA will consult with each of the Division/Office Directors on their communications and outreach needs. These consultations should be completed in time to be included in OPA workplanning. (For this year, program consultations have been completed and workplans revised, accordingly.) Tailored "outreach" efforts can include: special fact sheets, brochures, public workshops/meetings preparation, magazine/journal articles, etc.

ASSUMPTIONS

A primary assumption is that public "outreach" is an important and significant responsibility for the Region's top managers. This is reflected in the RA/DRA's priorities for FY 86, as well as in the individual requirements of our various environmental laws and programs. Successful implementation of the "Outreach Strategy" is contingent upon support and commitment from the Region's senior managers to keep the public involved and informed in the Agency business. However, "outreach" implementation will involve resources costs - sufficient time and travel money must be available. Any future severe travel cuts could diminish "outreach" efforts. Additionally, unforeseen program crises may divert managers attention away from "outreach" plans.

FOLLOWTHROUGH

OPA will be charged with tracking and reporting success on all of our "outreach" efforts. Adjustments and revisions may be called for as "outreach" results are determined or as assumptions changes. Major strategy changes will be coordinated with top management before they are finalized.

"OUTREACH" IMPLEMENTATION PLAN AND SCHEDULE

DRAFT

I. Press Outreach

- A. Programs should routinely inform OPA of accepted speaking invitations. At the end of each quarter (month), OPA will distribute a "draft" speakers calendar for verification by Division/Office Directors. OPA will include known presentations on the calendar; and, ask for changes and additions to the calendar and selection of which speeches can be covered by the press. OPA will circulate a final Region V speakers calendar the first week of each quarter (month).*
- B. OPA will notify media sources of selected, upcoming speaking engagements weeks in advance of the visit. Information packets will also be distributed to the media at that time.
- C. OPA will contact Division/Office Directors and the ORA within one week after "outreach" visits to learn about results.
- D. OPA will report on "outreach" visits at each quarterly DRA update.
- E. OPA will evaluate the "Press Outreach" program at six months (September, 1985) and make recommendations to senior staff.

* Speaking calendar will be distributed to all Directors and the ORA so that other programs may inform speakers of "hot issues" in the vicinity of schedule presentations.

II. RA/DRA Outreach.

- A. OPA to identify potential target groups and obtain meeting calendars for 1985 and 1986. (end of April)
- B. OPA presents possibilities to the RA and DRA. Programs are contacted, if appropriate. ORA/OPA make draft choices.
- C. OPA contacts groups notifying them of the availability of the RA/DRA for presentations. (end of May)
- D. Speaking invitations are confirmed and a RA/DRA speaking calendar is prepared and circulated to Region V divisions/offices and Headquarters. (end of 3rd quarter)
- E. RA/DRA speaking calendar is updated.

Note: Throughout the year, programs should feel free to suggest to OPA possibilities for RA/DRA "outreach" that would help their programs.

III. State Legislative Outreach.

- A. OPA will survey the ORA and the programs for potential legislative outreach topics in July and early August. Possibilities will be presented to the ORA by the end of August.
- B. "Legislative Outreach" will be coordinated with programs and State personnel during early Septemeber so as to avoid end-of-year crunch but to tie to RA/DRA State "close out" meetings.
- C. OPA will prepare draft "Legislative Outreach" presentation(s) during the end of September.
- D. "Legislative Outreach" visits will take place at same time as State close-out meetings.

DRAFT

COMMUNITY RELATIONS IN SUPERFUND: LESSONS LEARNED

U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF POLICY AND PROGRAM MANAGEMENT
OFFICE OF EMERGENCY AND REMEDIAL RESPONSE

TOPICS

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INTRODUCTION

COMMUNITY RELATIONS ACTIVITIES DURING CLEANUP OF HAZARDOUS WASTE SITES ARE IMPORTANT FOR SEVERAL REASONS:

- THROUGH THESE ACTIVITIES, THE RESPONSE AGENCY CAN PROVIDE CITIZENS WITH NEEDED INFORMATION ABOUT A SITE AND EITHER RESPONSE ACTIVITIES AND PLANS UNDER CERCLA, OR PERMITTING UNDER RCRA.
- CITIZENS CAN PROVIDE THE RESPONSE AGENCY WITH NEEDED INFORMATION AND CONCERNS ABOUT THE EXTENT OF CONTAMINATION, ALTERNATIVE RESPONSE ACTIONS, POTENTIAL RESPONSIBLE PARTY PRACTICES AT A SUPERFUND SITE, AND PERMIT ISSUES AT A RCRA SITE.

THE SUPERFUND COMMUNITY RELATIONS PROGRAM HAS PROVIDED EPA WITH VALUABLE INFORMATION ABOUT CITIZEN CONCERNS AT HAZARDOUS WASTE SITES. MUCH OF THIS INFORMATION IS DIRECTLY APPLICABLE TO OTHER EPA PROGRAMS, INCLUDING THE RCRA PERMITTING PROCESS.

PART I: COMMUNITY RELATIONS PROGRAM PHILOSOPHY

PHILOSOPHY OF THE SUPERFUND COMMUNITY RELATIONS PROGRAM:
MAJOR ASSUMPTIONS

GENERAL

- CITIZEN CONCERNS ARE LEGITIMATE. CITIZENS NEED OPPORTUNITIES TO EXPRESS CONCERNS AND HAVE THEIR CONCERNS CONSIDERED SERIOUSLY. CITIZEN CONCERNS SHOULD BE ADDRESSED AS EARLY AS POSSIBLE IN THE RESPONSE ACTION.
- CITIZENS MAY PROVIDE VALUABLE INFORMATION SUCH AS INFORMATION ABOUT RESPONSIBLE PARTIES OR HEALTH EFFECTS.
- THE SITE'S COMMUNITY RELATIONS PROGRAM MUST BE AN INTEGRAL PART OF THE RESPONSE EFFORT. THIS REQUIRES A CLOSE WORKING RELATIONSHIP BETWEEN TECHNICAL RESPONSE STAFF, COMMUNITY RELATIONS STAFF, AND ENFORCEMENT STAFF.
- COMMUNITY RELATIONS ACTIVITIES MUST BE PLANNED IN ACCORDANCE WITH TECHNICAL ACTIVITIES AT A SITE -- NOT ADDED AS AN "AFTERTHOUGHT" IF PROBLEMS OR CONCERNS ARISE.

PART II: HOW THE PROGRAM WAS DEVELOPED

HOW THE PROGRAM WAS DEVELOPED

PLANNING

- PLANNING FOR SUPERFUND COMMUNITY RELATIONS BEGAN PRIOR TO THE ENACTMENT OF CERCLA.
- PLANNING ASSUMED THAT HAZARDOUS WASTE PROBLEMS WERE FAR MORE EMOTIONALLY SENSITIVE AND POLITICALLY CHARGED THAN OTHER ENVIRONMENTAL PROGRAMS.
- TWENTY-ONE CASE STUDIES WERE CONDUCTED OF COMMUNITY INVOLVEMENT IN HAZARDOUS WASTE PROBLEMS. SITES IN EVERY EPA REGION WERE VISITED; LOCAL OFFICIALS, COMMUNITY LEADERS, AND RESIDENTS WERE INTERVIEWED.
- CASE STUDIES CONFIRMED THE NEED FOR A PROGRAM BROADER IN SCOPE THAN TRADITIONAL PUBLIC INFORMATION OR PUBLIC RELATIONS PROGRAMS BASED ON ONE-WAY COMMUNICATIONS THROUGH PRESS RELEASES AND FACT SHEETS.
- CASE STUDIES CONFIRMED THE NEED FOR INVOLVING LOCAL CITIZENS IN DECISIONS THAT AFFECT THEIR COMMUNITY.

HOW THE PROGRAM WAS DEVELOPED

LESSONS LEARNED FROM CASE STUDIES

- EVERY SITE HAS THE POTENTIAL FOR PUBLIC OPPOSITION, HEATED CONFLICT, OR MEDIA SENSATIONALISM.
- PUBLIC OPPOSITION CAN LEAD TO DELAYS, WORK STOPPAGES, OBSTRUCTION OF TECHNICALLY SOUND REMEDIES, COST OVERRUNS.
- THERE IS OFTEN LITTLE RELATION BETWEEN THE THREAT TO THE ENVIRONMENT OR PUBLIC HEALTH AND THE AMOUNT OF CITIZEN INVOLVEMENT.
- THE TECHNICAL ADEQUACY OF A REMEDY DOES NOT ENSURE PUBLIC ACCEPTANCE.
- THE LEAD IN CITIZEN ACTIVISM IS FREQUENTLY TAKEN BY GRASS-ROOTS AD HOC GROUPS, OFTEN UNDER THE LEADERSHIP OF A SINGLE INDIVIDUAL AND NOT BY THE NATIONAL ENVIRONMENTAL GROUPS, SUCH AS SIERRA CLUB OR NATIONAL AUDUBON SOCIETY.
- PUBLIC INTEREST USUALLY PEAKS WHEN A CLEANUP REMEDY IS PROPOSED.
- TECHNICAL INFORMATION ABOUT THE SITE MUST BE PRESENTED ACCURATELY AND PROMPTLY.

THESE LESSONS HAVE BEEN CONFIRMED BY SUBSEQUENT EXPERIENCE IN ALMOST THREE YEARS OF PROGRAM IMPLEMENTATION.

HOW THE PROGRAM WAS DEVELOPED

ADDITIONAL FINDINGS ON COMMUNITY INVOLVEMENT

- THE LESSONS FROM THE EPA CASE STUDIES HAVE BEEN VERIFIED BY OTHER STUDIES.
- A RECENT STUDY OF COMMUNITY ORGANIZATIONS INVOLVED IN ENVIRONMENTAL HEALTH ISSUES SHOWED THAT:
 - CONCERNED RESIDENTS SEEM TO USE DIFFERENT CRITERIA FOR ASSESSING COSTS AND BENEFITS THAN EITHER SCIENTISTS OR POLICY MAKERS.
 - HEALTH CONCERNS ARE THE DOMINANT MOTIVATION FOR CITIZEN ACTION TO PROTECT THE ENVIRONMENT, FOLLOWED BY THE WELL-BEING OF FUTURE GENERATIONS.
 - PROPERTY VALUES AND OTHER DIRECT ECONOMIC ISSUES ARE FREQUENTLY A SOURCE OF CONCERN FOR CITIZENS LIVING NEAR A SITE.
 - PEOPLE LIVING NEAR A HAZARDOUS WASTE SITE WANT THEIR NEIGHBORHOOD TO BE PROVED SAFE BEYOND A REASONABLE DOUBT.

HOW THE PROGRAM WAS DEVELOPED

(CONTINUED)

- REGULATORY OFFICIALS MAY NOT ALWAYS AGREE WITH THE COMMUNITY GROUP'S ASSESSMENT OF RISK. BUT UNLESS THE OFFICIALS ADDRESS THAT PERCEPTION THEY ARE LIKELY TO AROUSE CONFLICT.
- OFFICIALS NEED TO UNDERSTAND WHAT MOTIVATES RESIDENTS TO TAKE ACTION IF THEY ARE TO BE RESPONSIVE TO CITIZEN CONCERNS.
- NOTHING EVOKES CITIZENS' ANGER MORE THAN THE BELIEF THAT THEIR CONCERNS ARE NOT BEING TAKEN SERIOUSLY.
- IT IS IMPORTANT TO LISTEN TO CITIZENS' CONCERNS AND TO INVOLVE THEM EARLY IN THE PROCESS OF DECIDING ON THE APPROPRIATE RESPONSE AT A SITE.

PART III: SUPERFUND COMMUNITY RELATIONS EXPERIENCE

WHAT MOTIVATES CITIZENS TO BECOME INVOLVED?

SEVERAL FACTORS ARE FREQUENTLY CITED AS REASONS THAT CITIZENS BECOME INVOLVED IN ACTIVITIES AT A HAZARDOUS WASTE SITE:

- HEALTH CONCERNS ARE THE DOMINANT MOTIVATION FOR CITIZEN ACTION TO PROTECT THE ENVIRONMENT, PARTICULARLY CONCERN ABOUT THE HEALTH AND WELL-BEING OF CHILDREN.
- PROPERTY VALUES AND OTHER DIRECT ECONOMIC ISSUES ARE FREQUENTLY A SOURCE OF CONCERN FOR CITIZENS LIVING NEAR A SITE.
- THE LEAD IN CITIZEN ACTIVISM IS FREQUENTLY TAKEN BY GRASS-ROOTS AD HOC GROUPS, OFTEN UNDER THE LEADERSHIP OF A SINGLE INDIVIDUAL, AND NOT BY NATIONAL ENVIRONMENTAL GROUPS SUCH AS THE SIERRA CLUB OR NATIONAL AUDUBON SOCIETY.

WHAT DO CITIZENS GENERALLY WANT?

- EXPERIENCE WITH THE SUPERFUND PROGRAM HAS SHOWN THAT A GOOD COMMUNITY RELATIONS PROGRAM AT HAZARDOUS WASTE SITES REQUIRES TWO-WAY COMMUNICATION BETWEEN THE RESPONSE AGENCY AND THE COMMUNITY AFFECTED BY THE RELEASE.
- PROVIDING CITIZENS WITH THE INFORMATION THEY NEED AND INVOLVING THEM IN RESPONSE DECISIONS IS A RESOURCE-INTENSIVE EFFORT THAT REQUIRES SKILL AND COMMITMENT.
- CITIZENS WANT SPECIFIC KINDS OF INFORMATION ABOUT THEIR SITE WHEN THEY NEED IT AND IN THE FORM THEY NEED IT. PRIOR TO DESIGNING A COMMUNITY RELATIONS PLAN FOR A SITE, RESPONSE AGENCY STAFF MUST MEET WITH CITIZENS AND ASK:
 - WHAT KINDS OF INFORMATION ABOUT THE SITE ARE NEEDED (E.G., TECHNICAL DOCUMENTS, FACT SHEETS, PROGRESS REPORTS)?
 - WHEN AND WHERE SHOULD THIS INFORMATION BE PROVIDED?

WHAT DO CITIZENS GENERALLY WANT?

(CONTINUED)

- SOME CITIZENS WANT MORE THAN INFORMATION ABOUT THE SITE AND RESPONSE ACTION -- THEY WANT AN OPPORTUNITY TO BE INVOLVED IN RESPONSE DECISIONS.
- INVOLVING CITIZENS IN RESPONSE DECISIONS REQUIRES SUBSTANTIALLY MORE THAN IMPLEMENTING A FORMAL COMMENT PERIOD. IT CAN INVOLVE:
 - MEETING WITH CITIZENS REGULARLY DURING THE REMEDIAL PLANNING ACTIVITIES TO ELICIT AND CONSIDER THEIR CONCERNS.
 - KEEPING RECORDS OF COMMENTS CITIZENS PROVIDE THROUGHOUT A RESPONSE ACTION AND DEMONSTRATING HOW THE AGENCY CONSIDERED THESE COMMENTS AND FACTORED THEM INTO RESPONSE DECISIONS.
 - ELICITING CITIZEN COMMENTS ON RESPONSE ALTERNATIVES AND PROCEDURES FOR IMPLEMENTING COST-EFFECTIVE ALTERNATIVES AND DEVELOPING A MUTUALLY ACCEPTABLE APPROACH (FOR EXAMPLE, ELICITING COMMENT ABOUT THE TIMING AND ROUTE OF TRANSPORT OF WASTES OFF-SITE AND ACCOMMODATING CITIZEN CONCERNS).

PART IV: GOALS AND OBJECTIVES OF THE PROGRAM

KEY GOALS AND OBJECTIVES

THE GOALS AND OBJECTIVES OF THE SUPERFUND COMMUNITY RELATIONS PROGRAM REFLECT THE LESSONS LEARNED FROM OVER THREE YEARS OF PROGRAM IMPLEMENTATION. THE MAIN OBJECTIVES ARE THE FOLLOWING:

- TO IDENTIFY COMMUNITY CONCERNS ABOUT HAZARDOUS SUBSTANCE RELEASES TO WHICH THE SUPERFUND PROGRAM MAY RESPOND.
- TO PROVIDE ACCURATE INFORMATION TO THE COMMUNITY ABOUT HEALTH OR ENVIRONMENTAL PROBLEMS CREATED BY A RELEASE AND ABOUT PROPOSED RESPONSE ACTIONS.
- TO ENCOURAGE CITIZENS TO EXPRESS THEIR CONCERNS AND PROVIDE INFORMATION.
- TO SEEK OUT CITIZEN COMMENTS TO ALL RESPONSE ACTIONS.
- TO CONSIDER CITIZEN COMMENTS IN FORMULATING RESPONSE DECISIONS.
- TO EXPLAIN HOW CITIZEN COMMENTS WERE INCORPORATED INTO RESPONSE DECISIONS.

PART V: CURRENT PROGRAM REQUIREMENTS

CURRENT PROGRAM REQUIREMENTS

SUMMARY OF CURRENT PROGRAM DESIGN AND REQUIREMENTS

- PROGRAM REQUIREMENTS ARE MINIMAL AND FLEXIBLE. EPA MUST HAVE THE FLEXIBILITY TO ADDRESS CITIZEN CONCERNS WHICH VARY GREATLY FROM SITE TO SITE.
- COMMUNITY RELATIONS PLANNING MUST BEGIN EARLY IN A RESPONSE ACTION. REQUIREMENTS VARY ACCORDING TO THE RESPONSE ACTION.
- THE PREPARATION OF A COMMUNITY RELATIONS PLAN (CRP) IS THE PRIMARY REQUIREMENT OF A COMMUNITY RELATIONS PROGRAM. CRPS MUST BE PREPARED FOR ALL PLANNED REMOVAL AND REMEDIAL ACTIONS. ABBREVIATED PLANS MUST ALSO BE PREPARED FOR IMMEDIATE REMOVALS LASTING LONGER THAN A FEW DAYS.
- CRPS MUST BE BASED UPON ON-SITE DISCUSSIONS WITH STATE AND LOCAL OFFICIALS, INTERESTED CITIZENS, AND THE MEDIA TO GAIN A FIRST-HAND UNDERSTANDING OF THE MAJOR COMMUNITY ISSUES, CITIZENS' INFORMATION NEEDS, AND LEVEL OF PUBLIC INTEREST.
- COMMUNITY RELATIONS ACTIVITIES, SUCH AS CONDUCTING SMALL GROUP MEETINGS OR WORKSHOPS, MUST BE CLOSELY INTEGRATED WITH THE TECHNICAL RESPONSE ACTIVITIES.

CURRENT PROGRAM REQUIREMENTS

SUMMARY OF CURRENT PROGRAM DESIGN AND REQUIREMENTS (CONTINUED)

- A PUBLIC COMMENT PERIOD MUST BE PROVIDED ON THE PROPOSED REMEDIAL ALTERNATIVE CONTAINED IN THE FEASIBILITY STUDY. EPA MUST CONSIDER THESE COMMENTS BEFORE LONG-TERM CLEANUP DECISIONS ARE MADE.
- COMMUNITY INPUT BE SOLICITED AT OTHER POINTS DURING THE RESPONSE ACTION, SUCH AS DURING REMEDIAL DESIGN AND CONSTRUCTION, WHEREVER FEASIBLE AND NEEDED.
- RESPONSE AGENCY STAFF MUST PREPARE A RESPONSIVENESS SUMMARY AFTER CLOSE OF THE COMMENT PERIOD AND INCLUDE THE SUMMARY IN THE RECORD OF DECISION SUBMITTED TO EPA HEADQUARTERS. THE RESPONSIVENESS SUMMARY SHOULD DOCUMENT HOW COMMUNITY INPUT WAS CONSIDERED AND INCORPORATED INTO RESPONSE PLANS PRIOR TO THE SELECTION OF THE CLEANUP REMEDY.
- COMMUNITY RELATIONS ACTIVITIES MUST ALSO BE CONDUCTED DURING ENFORCEMENT ACTIONS. HEADQUARTERS WILL SOON ISSUE GUIDANCE ON CONDUCTING THESE ACTIVITIES IN A NEW CHAPTER OF THE COMMUNITY RELATIONS HANDBOOK.

PART VI: APPLICABILITY TO THE RCRA PERMITTING PROGRAM

EXISTING RCRA PUBLIC PARTICIPATION REQUIREMENTS

UNDER 40 CFR PART 124, EPA IS REQUIRED TO CONDUCT PUBLIC PARTICIPATION ACTIVITIES INCLUDING:

- PROVIDING PUBLIC NOTICE OF INTENT TO ISSUE A RCRA OPERATING PERMIT, UPON COMPLETION OF A DRAFT PERMIT.
- HOLDING A 45-DAY COMMENT PERIOD ON THE PERMIT APPLICATION, WHICH MAY INCLUDE A PUBLIC HEARING ON THE DRAFT PERMIT.
- NOTIFYING THE PUBLIC IF MAJOR MODIFICATIONS TO AN OPERATING PERMIT ARE PROPOSED.

OTHER RCRA ACTIONS THAT MAY REQUIRE PUBLIC PARTICIPATION
OR COMMUNITY RELATIONS ACTIVITIES

REGULATIONS GOVERNING THE CLOSURE AND POST-CLOSURE PHASES OF RCRA-AUTHORIZED FACILITIES ARE CURRENTLY UNDER DEVELOPMENT. PUBLIC PARTICIPATION AND COMMUNITY RELATIONS ACTIVITIES MAY BE NECESSARY DURING THESE PHASES, INCLUDING:

- NOTIFYING THE AFFECTED COMMUNITY AT THE TIME A CLOSURE PLAN IS PREPARED FOR A FACILITY, AND INVITING PUBLIC COMMENT ON THE DRAFT PLAN.
- ADDRESSING AND, WHERE APPROPRIATE, INCORPORATING PUBLIC COMMENTS INTO THE CLOSURE PLAN.
- PROVIDING PUBLIC NOTICE OF INTENT TO ISSUE A POST-CLOSURE PERMIT, AND INVITING PUBLIC COMMENT ON THE PERMIT.

LESSONS FROM THE SUPERFUND COMMUNITY RELATIONS PROGRAM
APPLICABLE TO RCRA ACTIONS

- EXPERIENCE CONTINUES TO DEMONSTRATE THE IMPORTANCE OF EARLY INPUT FROM AFFECTED CITIZENS IN THE PLANS DEVELOPED FOR A PARTICULAR SITE OR FACILITY.
- EPA STAFF MUST UNDERSTAND THE FACTORS THAT MOTIVATE CITIZENS TO TAKE ACTION AT A SITE OR FACILITY IF THEY ARE TO BE ABLE TO RESPOND EFFECTIVELY AND WITH FLEXIBILITY TO CITIZEN CONCERNS. THE MOST EFFECTIVE MECHANISM FOR DOING SO IS TO GET OUT INTO THE COMMUNITY AND CONDUCT ON-SITE DISCUSSIONS WITH CITIZENS.
- DEVELOPING AN EFFECTIVE COMMUNITY RELATIONS PROGRAM IS AN OPEN PROCESS THAT REQUIRES MANY SITUATION-SPECIFIC DECISIONS AND JUDGMENTS.
- A TEAM APPROACH -- INCORPORATING THE EXPERTISE AND EXPERIENCE OF TECHNICAL, LEGAL, AND COMMUNITY RELATIONS STAFF -- IS ESSENTIAL TO ENSURING THAT THE COMMUNITY RELATIONS PROGRAM FUNCTIONS SMOOTHLY AND EFFECTIVELY.

LESSONS FROM THE SUPERFUND COMMUNITY RELATIONS PROGRAM
APPLICABLE TO RCRA ACTIONS

(CONTINUED)

- SMALL. INFORMAL MEETINGS WITH INTERESTED CITIZENS TEND TO BE MORE EFFECTIVE THAN LARGE PUBLIC MEETINGS OR HEARINGS.
- TECHNICAL INFORMATION ABOUT THE SITE MUST BE PRESENTED ACCURATELY AND PROMPTLY.
- REGULATORY OFFICIALS MAY NOT ALWAYS AGREE WITH THE COMMUNITY GROUP'S ASSESSMENT OF RISK, BUT UNLESS THE OFFICIALS ADDRESS THAT PERCEPTION THEY ARE LIKELY TO AROUSE CONFLICT.
- NOTHING EVOKES CITIZENS' ANGER MORE THAN THE BELIEF THAT THEIR CONCERNS ARE NOT BEING TAKEN SERIOUSLY.
- IT IS ESSENTIAL TO EXPLAIN TO CITIZENS EXACTLY HOW THEIR COMMENTS WERE INCORPORATED INTO RESPONSE DECISIONS.

III. GUIDANCE

A. FEDERAL FACILITIES PROGRAM (Administrator's Priority No. 20)

1. FY 1985 Guidance

Initiatives within the Federal facilities program in FY 85 are designed to bring Federal facilities into compliance with environmental laws and regulations in the most cost-effective and timely manner possible. During 1985, emphasis will be placed on obtaining accurate information relative to compliance status of Federal facilities, returning facilities to compliance, and initiating programs to prevent Federal facilities from falling into noncompliance. Emphasis will also be placed on developing approved self-monitoring and environmental auditing programs within Federal agencies, so that scarce EPA resources dedicated to Federal facilities can be utilized on programs aimed at preventing pollution. OFA will coordinate the efforts of various Headquarters and Regional offices to ensure control of air and water pollution and hazardous wastes at Federal facilities. Because the Federal facilities program is a multimedia program which crosses EPA organizational lines and draws on resources from many sources, its success depends upon the cooperation of the many different program offices. The Regional Federal facilities coordinator should be identified as the focal point and responsible party in the Region for overall management of the program. It is essential that a credible Federal facilities program be developed to demonstrate the commitment and capability for achieving the stated goals of EPA's laws and regulations throughout the Federal system.

Priority Activities

(1) Increase Technical Assistance to Federal Facilities. In recent years, EPA has developed a number of new programs in all media with many new regulations, criteria and standards. The large numbers of regulations and their complexity have frequently left Federal facility managers and their environmental coordinators unclear as to what specific actions they need to take to comply with the new rules. Because of inherent delays in the Federal program and budgeting system, installation managers must act quickly to plan for new environmental controls, or they most certainly will be unable to budget, design and contract facilities rapidly enough to get into compliance by effective dates of regulations. In FY 85 EPA Regional personnel involved with compliance matters at Federal facilities will become more familiar with the significant Federal facilities* in their Region and provide advice on best techniques and methods available for pollution abatement including alternative and innovative methods and techniques.

(2) Increase Number of Inspections at Federal Facilities. Compliance , inspections at Federal facilities are the responsibility of the media program offices and are conducted by Regional media and state personnel in delegated States in accordance with the general guidance of those programs and the supplemental guidance in this section.

Effective compliance monitoring systems are an essential first element in improving Federal facilities compliance. The current inventory of all Federal facilities subject to pollution control requirements of each medium will be updated. In FY 1985 focus will be on obtaining better information relative to the compliance status of Federal facilities.

With better information on compliance, inspections of Federal facilities can be better focused. The compliance status of each facility will be verified by on-site inspections and/or reviews of self-monitoring reports. Inspections will be performed at major sources of pollutants at least once a year. Significant minor sources** will be monitored through inspections, at least once every two years. All other sources will be monitored through the review of self-monitoring reports and through inspections when a violation is suspected. (PCB compliance monitoring inspections will be conducted as necessary to monitor compliance schedules described in Federal facility compliance

* Significant Federal facilities are facilities classified as major by at least one media program plus facilities identified as significant minors by the Regional Federal facilities coordinator working cooperatively with media program representatives.

** Significant minor Federal facilities not meeting criteria as major, but are designated by their Regional Federal facilities coordinator (working cooperatively with media program representatives) because of the unique character of the facility, and/or it produces particularly hazardous pollutants, and/or its chronic compliance problems. Limited to no more than 10% of minor facilities.

(6) Increase Assistance to Federal Facilities to Prevent Them From Falling Into Non-Compliance With RCRA Regulations. The National Hazardous Waste Management Program at Federal facilities will continue to be a top priority in FY 85. In addition to normal budget and compliance monitoring efforts, priority emphasis will be placed on: conducting inspections at all groundwater monitoring facilities and initiation of appropriate compliance agreements; coordination with Federal facility personnel on regional schedules for calling in Part B's to permit these facilities to develop an in-house capability or hire a contractor to prepare the application; and coordination with DOD in their program to locate and construct 172 hazardous waste conforming storage sites at Army, Navy, Air Force and Defense Logistics Agency installations; coordination with DOD in their Research and Development effort to develop technical data relating to environmental effects of open burning/open detonation of unusable munitions.

(7) Emphasize Development and Implementation of Environmental Auditing Programs by Federal Agencies. Environmental self-auditing is a technique which offers benefits to both EPA as well as the regulated Federal agency. A comprehensive auditing program assures the Federal manager that he is in compliance with environmental regulations. EPA compliance personnel can then concentrate their scarce monitoring resources in other problem areas where such programs have not been implemented. During FY 1985, OPA will initiate a strategy to develop environmental auditing programs at as many Federal agencies and installations as possible. The first will be a PCB program at DOD installations. Headquarters will provide substantive support for Regional environmental auditing workshops.

2. FY 1986 Guidance

In FY 86 the Federal facilities program will emphasize prevention through specific technical advice and assistance, site visits, office consultations, meetings and workshops. While emphasis on proper design and construction of control facilities will continue, greater emphasis must be placed on correction operation and maintenance problems at facilities.

Inspections will be increased at significant minor facilities in order to assure that the most environmentally important Federal facilities are being operated in compliance with all environmental regulations.

In FY 86, Federal agencies will have, to a large extent, completed the identification phase of their CERCLA program. EPA emphasis will shift to reviewing Federal Agency progress in assessing those sites previously identified and closely reviewing their proposed remedial actions.

Federal agency RCRA programs will also be in midstream. Hazardous waste conforming storage sites will be under construction. Many facilities will be permitted but many will remain in interim status. Closure of sources of pollution including surface impoundments will require close EPA attention. Detailed guidance will be needed to assist Regional permit writers in permitting DOD open burning/open detonation sites.

RECRUITMENT METHODS

I. Direct Hire Authority.

- A. Allows the use of streamlined examining and hiring procedures that enables the Agency to make offers of employment to eligible candidates. The occupation applicable to Direct Hiring Authority for Region V is:

Environmental Engineers, GS-819-5/7

- B. Recruitment under Schedule B/PAC Authority.
Occupations covered:

Environmental Protection Specialist, GS-028-5/7
Management Analyst, GS-343-5/7
Program Analyst, GS-345-5/7
Budget Analyst, GS-560-5/7
Public Information Specialist, GS-1035-5/7

This Authority expires September 30, 1985. Announcement must be posted. Eligible applicants on OPM's Displaced Employee and Interagency Placement Assistance Program must be given priority consideration.

- C. Delegated Examining Authority.

Environmental Protection Specialist, GS-028-9 thru 15

Since U.S. EPA hires the vast majority of Environmental Protection Specialists, the Office of Personnel Management has delegated examining authority to Regional Personnel Offices. This means we do OPM's work but hopefully faster. However, all laws and procedures such as Veteran's preference, rating and ranking of eligibles, and the requirement to select from among the top 3 interested and available eligibles must be adhered to.

Method

Personnel recruits these positions through posted vacancy announcements. DOD's can help find candidates; but Personnel (only) decides eligibility and grade.

- D. Temporary Appointments NTE 1 year.

Under delegated authority, Personnel can make outside-the-register appointments of 1 year or less to positions at GS-12 and below. We also have the authority to extend these appointments for up to an additional 36 months in 12 months increments. Extensions may be made only when the following conditions exist:

The original temporary appointment was made in good faith;

the extension is required to complete the work in which the temporary appointee is engaged;

the extension is not so long that in the interest of the competitive

system a career or career-conditional appointment would be preferable; and the position is not continuing.

Method

A general Notice listing vacancies has to be sent to Job Information Center as well as the State employment service. Applications are accepted, rated for minimum qualifications and referred to supervisors in ranking order.

Appointees under this authority must meet the qualification standards for the positions including written tests if appropriate.

Appointees must also compete in an open competitive examination to receive consideration for career-conditional appointments.

II. Additional Recruitment Methods

A. 1040 hour appointments.

These appointments are filled by college students pursuing degrees/courses that are directly related to the field in which they may be employed.

Examples are:

Engineering Technician
Accounting Technician
Environmental Protection Assistant
Computer Technician
Program Analyst

These students can be recruited from any of the colleges within our commuting area. The appointments are terminated once the student works 1040 hours, or the student ceases to be enrolled in school, whichever comes first.

Method

Divisions and Offices may work directly with schools to obtain candidates and name requests. Prior to this, the division should have classified PD's, and make no official commitment until designee's eligibility and grade are determined by Personnel.

B. Student Aide Appointments (non-ceiling positions)

Filled by students appointed under the Stay-in-School Program. Students may be appointed if they need the earnings from this employment to continue in school or if they are mentally retarded or severely physically handicapped, provided that the following conditions are met:

- (1) Appointees are enrolled in secondary school or other appropriate school for mentally retarded students.
- (2) Employment does not exceed 20 hours per week, except students may work full-time whenever their school is officially closed and during

any vacation period.

(3) Appointees must meet the economic criteria prescribed by OPM, EXCEPT that this does not apply to the mentally retarded or severely physically handicapped students.

(4) Student Aides are employed to perform duties such as - xeroxing, simple filing, typing envelopes, labels, answering of phones. Because student aides are paid minimum wages they are not expected to perform duties comparable to our clerk-typists.

Method

Students are recruited by Personnel from any Chicago High School, College, or specially designated schools for the mentally or physically handicapped. Potential candidates are sent to division for selection.

C. Summer Employment

All applications for summer employment must be received by April 15th of each year. Applicants must be at least 18 years of age, or at least 16 years of age and a high school graduate at the time of employment. Most of the jobs also require education or experience. The following table shows the amount of education or experience generally required for eligibility at each grade level:

- GS-2 High School graduation
- GS-3 1 year college or 1 year experience
- GS-4 2 years college or 2 years experience

To be considered for summer positions in grades GS-5 and above applicants must meet the following educational requirements.

- GS-5 4 years college
- GS-7 1 year graduate work
- GS-9 Masters degree or 2 years graduate work

All recruitment actions for summer employment must be accompanied by classified position descriptions. Personnel rates and ranks applicants and depending on Division/Office needs for summer employment sends listings of eligible candidates to the programs.

D. Co-Op Appointments - OPFT Appointment

Cooperative education provides one method for strengthening the career service in professional, administrative and technical occupations. By providing students with study-related work experience before graduation, we help to create a more enlightened and work oriented labor base for entry level positions which could not be fully realized except through a program like this. The Co-Op program gives us another dimension in recruiting, including an opportunity to help us in meeting our affirmative action goals.

Method

Candidates can be in any professional series. Personnel maintains a listing of schools with which EPA has agreements; we can form agreements with virtually any accredited school. Programs/divisions should approach this like the 1040 hour appointments.

Eligibility for the Program

A student must:

1. Be actually in attendance at a qualifying institution on a substantially full-time basis.
2. Be enrolled in the institution's cooperative education curriculum.
3. Be recommended by the appropriate staff of the educational institution.
4. Meet citizenship requirement.
5. Maintain at least a 2.0 overall scholastic average on a 4.0 scale or the equivalent and an average grade of C.

Selection

1. Students are not required to meet any economic criteria.
2. Supervisors have responsibility for selection of students recommended by the colleges.

Appointment

1. All Co-Op students are given excepted conditional appointments.
2. All Co-Op appointments can remain in effect for up to 120 days after the student graduates.
3. Student positions in the Co-Op program provide for an arranged schedule of attendance at an institution combined with at least 26 weeks or 1040 hours of study-related work in a Federal Agency. The combination of work and study together must satisfy the requirements for a bachelors degree and must provide the experience necessary for a career or career-conditional appointment in the Federal service.

Responsibilities

Managers/Supervisors should:

1. Provide supervisory guidance and challenge as well as technical advice to participating students.
2. Plan the work so as to provide progressively more challenging work assignments closely related to the academic goals of the student trainee and prepare him/her for a related career field. This can be accomplished

by establishing a comprehensive on-the-job training schedule for the student.

3. Evaluate the student in writing at the end of a trial period.
4. Make every effort to convert eligible students upon graduation to permanent positions.

EPA Policy Guidelines

1. Program Design and Scheduling Proposed work schedules in the EPA Co-Op program must be full-time corresponding with or approximating, semesters, trimesters, or quarters with interspersing periods of study, whenever possible. Part-Time Co-Ops are not permitted. In addition:
 - a. Supervisors must prepare work schedules which assure that the student will have the required hours and periods of employment necessary for non-competitive appointment upon graduation.
 - b. Supervisors are encouraged to make arrangements whereby two or more students occupy a single position, alternating work and study periods.

Below is a listing of schools that have participated in Region V's Co-Op program:

Chicago State University, Chicago, IL
 Grambling State University, Grambling, LA
 Illinois Institute of Technology, Chicago, IL
 North Carolina State University, Raleigh, NC
 Northwestern University, Evanston, IL
 Purdue University, West Lafayette, IN
 University of Illinois, Chicago-Circle & Urbana-Champaign, IL
 University of Michigan, Ann Arbor, MI

E. Veterans Readjustment Act Appointment (VRA)

A veterans readjustment appointment is a non-competitive appointment which leads to competitive status and career or career-conditional tenure after satisfactory completion of service and education or training.

Basic Eligibility

- (1) Must be a veteran of the Vietnam Area (period beginning August 5, 1964 and ending May 7, 1975).
- (2) Must be a United States Citizen.
- (3) Nondisabled veterans must have completed no more than 14 years of education. (2 years of education above high school or the equivalent). However, this educational requirement is waived for compensably disabled veterans and veterans discharged because of service connected disabilities.

Appointment Authority

Veterans can be appointed to full-time or part-time positions at GS-7 or below. These appointments are subject to the following conditions:

- a. For jobs at grades 1, 2, and 3 the veteran's military service meets all qualification requirements (including written tests) if the agency believes the veteran can do the job.

For jobs at grade 4 through 7 the veteran must meet the minimum qualifications requirements. Written tests may be waived.

- b. The veteran must agree to participate in a program of education and training.

Education and Training Requirements

Before making a VRA appointment agencies must assure themselves that the veteran will undertake a suitable program of education or training while serving under the appointment.

Developmental programs should be prepared jointly by the veteran and employing agency.

Developmental activities may include:

- planned on-the-job training
- rotational job assignments
- off-job classroom training
- remedial education
- vocational education
- scientific or technical education
- high school or high school equivalency; and/or
- college education

Conditions of Employment

VRA appointments are "excepted appointments" for a period of two years and they can be converted to career conditional after the two years provided the veteran's performance has been satisfactory.

Method

If you feel you have a position ideally suited for someone under the VRA appointment, call us in Personnel (353-2026) and we will contact the local Veterans Administration Office, or State Employment Service for eligible applicants.

F. Employment of the Handicapped

Many physically handicapped people who are unable to obtain appointments even with examination modification can profit greatly from an opportunity

to demonstrate what they can do under a trial appointment. For these handicapped persons such an appointment can overcome employer reluctance to hire them on a regular basis for fear they will not be able to perform on the job efficiently or safely, or that they will not fit in with and be accepted by the workforce. For this purpose, OPM has made available a temporary not to exceed 700-hour trial appointment authority for handicapped applicants. The agency makes no commitment for permanent employment; however, the temporary limited appointment is usually long enough (approximately four months) for the severely handicapped person to establish their job readiness. Eligibility is determined by one of two ways:

- (1) Certification from either Veterans Administration or a State Vocational Rehabilitation Agency.
- (2) The agency may apply OPM's minimum qualifications standards for the position concerned including administering a written test, if required.

Candidates can be in any job series. Applicants may be non-competitively converted to competitive status after two years of successful performance. Conversion to career or career conditional appointment is dependent on determining the length of creditable service.

Method

Applicants can be recruited from the Veterans Administration, State Vocational Rehabilitation Agency, Rehabilitation Institute or any of the many schools servicing the handicapped.

There are other appointing authorities and ways designed to facilitate the hiring of handicapped individuals. The above information is an overview to acquaint supervisors with an alternative recruitment mechanism. The personnel staffing specialists can provide additional information to supervisors who are looking at their projected affirmative action goals.

February 17, 1984

HUMAN RESOURCE MANAGEMENT:

A CONCEPT FOR EPA

Recent studies have focused on the need to strengthen EPA's management of human resources, i.e., how well Agency managers plan for and utilize their people. The consensus seems clear: The Agency, as a whole, must develop better strategies for: (1) placing the right people in the right jobs; (2) capitalizing on the creativity, enthusiasm, and competence of the career workforce; and (3) reducing any unnecessary and artificial barriers to high quality performance. To address these problems, the Agency is planning to create an Office of Human Resources Management.

The term "Human Resources Management" (HRM), means a comprehensive, systematic approach to assist the Agency in accomplishing its goals through workforce planning, policy development, and program evaluation aimed at the best use of the EPA workforce as an organized body and as individual employees—current and future. ~~An HRM program would provide more than the traditional employment services characteristic of operating personnel offices. It places importance on the need to integrate "people issues" into the Agency's strategic program and resource planning processes, and provides Agency management with a high-level mechanism to do so.~~ As managers plan programs and allocate resources, they must likewise deal with the issues of what kinds of people will be needed to do the job. ~~HRM activities at EPA may include short and long-range strategies for enhanced employee relations, career development, incentive programs, employment policies, and recruitment.~~

Fundamental to an effective, results-oriented program are several key principles :

1. A motivated workforce is indispensable to the achievement of Agency goals.

The Agency's employees are its most valuable asset. They are not only vital to EPA's mission; they are important as people.

2. The Agency must provide incentives for people to want a career (rather than a job) at EPA.

The proper tangible and intangible rewards and recognition should create a greater "corporate" identity, and encourage more employees to make a career commitment to EPA.

3. Workforce planning and all related personnel management programs should be an integral part of EPA's program planning process.

An HRM program should consist of a series of building blocks in a logical progression keyed appropriately to the Agency's planning.

MAJOR NEEDS TO BE ADDRESSED BY

HUMAN RESOURCES MANAGEMENT

1. Skill mix.

*Deficiency
in
management
skills
must*

Skill mix problems are caused by changing programs, resource management by attrition and "last-in first-out" rules, lack of available skills in some areas, underutilization in others, and the inability to compete in the marketplace. Forecasting human resource requirements by projecting various indicators of foreseeable change in technology, program plans and economic trends, is needed.

2. Career development.

Employees need training (largely technical), management development (for managers-to-be and managers), and executive development (for executive candidates and upper management). ~~EPA opts for training over management and executive development.~~

Managers are expected to hire and grow talent yet we do not hold them accountable for it and the system does not reward the manager or the employee for career development.

Managers have not been trained to complete individual development plans and often do not know how to develop employees.

~~Many specific management training needs exist.~~

Lack of cross-fertilization among programs, between geographic locations, and between Headquarters, regions and states, accentuates program conflict.

3. Identification and development of replacement candidates.

A vacancy in a key job generally leaves a void in an operation. Managers want to promote from within but no one is "ready" or will move.

The Agency is unable to identify and shift people quickly to meet shifts in needs.

4. Workplace productivity.

Productivity is measured by program outputs with little concern for inputs, particularly human development, motivation, recognition, communication, decisionmaking, planning, organization and control, delegation and work facilitation.

Some employees and professions are underutilized. We need to obtain an accurate understanding of human resource capabilities available within the organization, and of how well these capabilities are currently being utilized.

We need to be able to predict the consequences on morale as well as the basic configuration of human resources that would probably result from specified changes in staffing strategies or changes in other personnel policies and practices.

5. Evaluation.

The organization needs to have a variety of mechanisms to examine itself so that it can make improvements where they are needed.

6. Performance.

The employee and manager must trust one another as they are mutually dependent upon one another for their individual success. The organization must support this through performance agreements, frequent evaluation, individual development plans and the existence of training and development programs.

The systems tend to foster adversarial, instead of cooperative, supportive, relationships between managers and employees. Our appraisal systems are perceived to be closely tied to pay instead of performance.

There are no institutionalized methods for managers to get feedback from their subordinates on their performance.

7. Continuity of Leadership.

There is little continuity of leadership from administration to administration in goals. There are no well-known, clearly articulated basic beliefs that transcend changes in policy.

DIV.	MERIT						NON-MERIT						MERIT & NON-MERIT		
	Dec. '84 Awards	Since Dec. '84	Total # of Awards	Total # of Empl. w/scores	%	Dec. '84 Awards	Since Dec. '84	Total # of Awards	Total # of Empl. w/scores	%	Dec. '84 Awards	Since Dec. '84	Total # of Awards	Total # of Empl. w/scores	%
AMD	\$ 5,025	---	9	9	100%	\$16,715	---	35	77	45%	44	---	44	86	51%
WMD	5,700	---	7	16	44%	34,000	---	61	108	56%	68	---	68	124	55%
WD	14,265	---	18	28	64%	30,270	---	51	144	35%	69	---	69	172	40%
ESD	8,500	---	12	15	80%	17,936	---	25	64	39%	37	---	37	79	47%
PMI	5,150	---	5	11	45%	14,600	---	24	66	36%	29	---	29	77	38%
ORC	1,782	---	4	4	100%	8,022	---	10	43	23%	14	---	14	47	30%
GLNPO	3,257	---	4	4	100%	3,465	---	6	17	35%	10	---	10	21	48%
ORA	0	---	0	0	0%	2,650	---	6	21	28%	6	---	6	21	28%
REGION TOTAL	\$43,679	---	59	87	68%	\$127,658	---	218	540	40%	277	---	277	627	44%

SUMMARY BY DIVISION/OFFICE OF TOTAL NUMBER OF CASH AWARDS (CSP, SA, QSI, AND HONOR AWARDS WITH CASH) GRANTED TO MERIT VS NON-MERIT PAY EMPLOYEES.

Summary of Human Resource Management Interests

In connection with previously scheduled visits, Nick Bollo, Regional Personnel Officer, surveyed Division Chiefs to determine their views of Human Resource Management. The HRM concept received broad but cautious support from Division Chiefs. Several chiefs expressed a concern that the Personnel Branch should not embark on projects which would detract from or slow down the regular basic personnel functions. The following are those HRM initiatives which were suggested by Senior Staff.

Rotational assignments both within and between Divisions was the consensus item of interest. Rotational assignments below the SES were more favored than SES rotations. The minimum period of time seemed to be six months to a year. Some jobs were viewed as likely ones to be identified for rotational assignments. The analyst positions in the Planning and Analysis Branch of PMD were mentioned by several.

In connection with positions identified as target jobs for rotational assignments, Division Chiefs suggested establishing a Regionwide assessment and selection process for "high performers" or high potential employees. Those selected under that process would be placed in the next developmental (or rotational) position. In order to be most successful it was felt that this program would have to include candidates and positions from more than one Division.

The internal rotation of supervisors within one Division was mentioned but such an initiative could be taken unilaterally without the involvement of other Divisions.

The present state of the IPA Program was mentioned. For the program to remain viable placements into it must be seen as positive. Also, some interest was shown in increasing the use of IPA to bring non-Federal employees into Region V.

Finally, broad training applicable to most employees was suggested. These could include skill courses such as writing, negotiation, etc., or knowledge courses such as EPA Congressional Briefing. Broad attendance at certain seminars and symposia was also suggested both for its educational value and as an acknowledgement of accomplishments.

PERFORMANCE MANAGEMENT SYSTEM (PMS) SURVEY
Overview and Recommendations

In November 1984, EPA surveyed 6,000 employees to see how effective the Agency's performance appraisal process is as a management tool. Over 3,000 employees responded to the survey. Examination of demographic characteristics (grade, location, pay plan) showed the respondents to be representative of the EPA population as a whole.

MAJOR FINDINGS OF THE PMS SURVEY

Most of the Agency is following the PMS procedures, but following the procedures doesn't necessarily mean that PMS is helping employees improve their performance or providing managers with an objective means of evaluating performance.

The vast majority (90 percent or more) of all respondents:

- o Have written performance agreements,
- o Signed their agreements (over half signed them within 30 days of the beginning of the rating period),
- o Were given performance appraisals on time, and
- o Completed self-appraisals.

BUT

- o Only 1 out of 2 supervisors responded that PMS helped them to improve employee performance.
- o More than half of all respondents (56.6%) reported they did not receive feedback in their appraisal that would help them improve performance.
- o 40% felt they were rated on something other than how well they performed the work in their performance agreements.
- o More than 2 out of 3 employees felt that ratings were not given out in a consistent or fair manner within their Office or Region.

The survey indicates that many of the reasons PMS falls short relate to its implementation rather than the system design.

Respondents were more likely to report receiving feedback that helped them improve performance and to report that they were rated on their performance if their supervisor:

- o Gave them suggestions for professional development or training during the appraisal,
- o Met with them routinely to discuss performance, and
- o Had discussed office priorities and expectations for employee performance before the performance agreement was signed.

Most supervisors are not spending the time it takes to give employees meaningful feedback on performance.

- o Half the respondents either didn't have performance appraisal meetings or had meetings that lasted less than 20 minutes.
- o Half met to discuss performance with their supervisor once a year or less.
- o Fewer than 1 in 5 employees had supervisors who meet with them routinely to discuss performance.
- o Only 1 in 4 respondents received suggestions for training.

Employees perceived the PMS as an objective system if their agreements were revised when priorities changed, if they had clear standards that were used to measure performance, and if they knew their ratings were not changed by the second level supervisor.

- o Just over half the respondents (58%) felt that their standards were clear enough to measure performance.
- o The majority of employees (70%) indicated that their agreements needed revision, yet fewer than 1 in 6 employees revised their agreements when appropriate.
- o PMS requires second level review be conducted before ratings are disclosed to employees, yet most respondents (70%) knew if their scores had been changed at the second level. Employees who knew their scores were changed perceived the PMS more negatively than employees who knew their scores were not changed.
- o Many respondents wrote voluntary comments expressing the view that final scores reflected forced distributions or quotas, not actual performance.

It appears from the results that some employees are not spending enough time to make their own performance appraisal effective; others are spending more time than is warranted. Most of the time spent is in writing the performance agreement and doing the self-appraisal.

- o The group that most often reported receiving useful feedback, and were most likely to feel their ratings were based on performance, spent one day on their own performance related activities.
- o Nearly half the GS respondents spent less than one day on PMS activities.
- o Half the SES and GM respondents spent two days or more—about 1 in 4 spent more than 4 days.

The performance appraisal process is integrated with the Agency's program planning process, the Strategic Planning and Management System (SPMS) at the top levels of the organization.

- o 70% of the SES reported having SPMS goals (targets) in their performance agreements.
- o Slightly more than 1 in 3 GM respondents (36%) had SPMS targets written in their performance agreements compared to about 1 in 9 GS employees (12%).

CONCLUSIONS AND RECOMMENDATIONS

Supervisors need to talk with employees about performance throughout the year

The survey results make a strong statement about the necessity of performance-related discussions between supervisor and employee. In discussions, employees and supervisors can reach consensus on what is to be accomplished and how it fits with organizational priorities. The employee can get information that will allow correction and improvement of performance during the year. Employees who met with supervisors more frequently than two times a year were more likely to view the system positively, in terms of usefulness and objectivity, than those who met less frequently.

Supervisors need to place greater emphasis on employee development and training by careful consideration of employees' strengths and weaknesses.

Four out of five employees who received suggestions for training or development felt their appraisal provided them with helpful information for improving performance; without suggestions, fewer than 1 in 6 said their feedback was helpful. To give meaningful suggestions for training and development, managers must think carefully about employees' strengths and shortcomings that help or prevent employees from meeting their standards. Unfortunately, the design of PMS makes it possible for supervisors to rate an employee solely on the outputs defined in the standards. The supervisor does not have to discuss any of the employee's characteristics that influenced performance. In addition, the complicated scheme of numerical weights and values used to derive employee scores can distract supervisors from thinking about development. Employees' comments indicate that manipulating weights and values assigned to standards to arrive at a specified score creates a focus on improving scores, without attention to performance, training or development.

Agreements should be simple and flexible enough to revise when programs change.

As in other appraisal processes based on management by objectives, the PMS performance agreement can be a valuable record of accomplishment, but survey results show it is important that agreements be kept simple and flexible enough to be useful to managers and employees and to make it easy to revise them during the year. Writing complicated agreements, designed to make it difficult to give low ratings, can be counterproductive if agreements are not modified easily to reflect changing program priorities.

Supervisors and employees need to work toward developing clear performance standards.

Employees who said they were rated on their performance also said their performance measures were clear. Clarity does not necessarily mean standards are quantifiable—it means they are understandable.

Second level reviews, based on knowledge of employee performance, should be conducted prior to disclosing scores to employees

The credibility of PMS as an objective performance appraisal process depends greatly on the integrity of the second level review — all changes in scores must be based on the first hand knowledge of performance of all employees under review — not preconceived numbers of how many employees can receive outstanding ratings. When scores are changed in the second level, it is the performance-based reason for the change that should be communicated to the employee — not the fact the score was changed.

IMPACT OF THE PERFORMANCE MANAGEMENT SURVEY

Top Managers to be briefed on survey findings

The Study Group on Performance Management Improvement and OARM are sponsoring briefings for all of the Assistant Administrators, Regional Administrators and their staff to make them aware of the overall problems with PMS implementation and to give them individual feedback on how their organizations are implementing the performance appraisal process. Briefings for other groups are being done by special request.

The Office of Administration and Resources Management (OARM) is designing new supervisory training in performance appraisal

Conducting successful performance appraisal meetings often entails difficult and sensitive issues. Existing training related to PMS covers the more procedural aspects of PMS, particularly writing the performance agreement. EPA currently has no training designed specifically for the purpose of teaching supervisors how to conduct meaningful appraisals. All newly appointed supervisors will be given 3 days of training emphasizing the communication and the human relations aspects of supervision. OARM is investigating a variety of ways to give all supervisors at EPA the skills necessary to appraise and develop the talent of those they supervise.

The Office of Administration is considering modifications to the PMS to encourage greater emphasis on employee development, and more flexible application of the system

Although much of the design of the PMS is required by law, the Office of Administration, in conjunction with the Personnel Management Division, is looking at modifications that would re-emphasize employee growth and development in the context of the basic Performance Management System. They are also considering revisions in the system that will make it easier for supervisors and employees to apply PMS to the diverse population of EPA employees, to develop simple, understandable performance agreements and reduce the current emphasis on quantification.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: May 6, 1985

SUBJECT: Results of Performance Standards Review

Nicholas R. Bollo
FROM: Regional Personnel Officer

Division/Office Directors
TO:

Our office, with the assistance of supervisors and managers from throughout the Region, conducted a review of performance standards that have been submitted to our office. This memorandum contains the results of those review efforts, and should be helpful in consideration of modifications to standards that are being contemplated in conjunction with the mid-point review.

Our initial goal in reviewing performance standards was to conduct a 20% review of our current performance standards. In preparation for the review, we found that approximately 75% of Region V's positions are in nine different series. For example, 671 employees occupy the following positions:

Environmental Protection Specialists, GS-028 grades 5 thru 13 - 190 employees,
Environmental Engineers, GS-819 grades 5 thru 15 - 139 employees,
Clerk Typists, GS-322 grades 2 thru 4 - 78 employees,
Secretaries, GS-318 grades 4 thru 8 - 73 employees,
Environmental Scientists, GS-1301 grades 5 thru 13 - 82 employees,
Attorneys, GS-905 grades 11 thru 15 - 46 employees,
Chemists, GS-1320 grades 5 thru 12 - 30 employees,
Environmental Protection Assistants, GS-029 grades 4 thru 7 - 23 employees,
Computer Programmers, GS-334 grades 7 thru 12 - 10 employees.

The remaining 25% of Region V's employees occupy positions in 62 different classification series. We have an estimated total of 215 employees occupying the 62 different series positions. A number of the latter group of positions are occupied by only one or two employees in each series. However, we do have groups of 10 or more employees in the following positions:

Clerks, GS-303 grades 4 thru 7 - 10 employees,
Program Analysts, GS-345 grades 9 thru 12 - 11 employees,
Biologists, GS-401 grades 12 and 13 - 17 employees,
Chemical Engineers, GS-893 grades 12 and 13 - 12 employees,
Geologists, GS-1350 grades 9 thru 12 - 12 employees.

Our office, as well as supervisors who were at the GS-12 grade level and above, performed the review of the performance standards. A total of 135 performance standards were reviewed. The breakdown of performance standards reviewed by Division and Office are as follows:

Office of Regional Administrator - 4,

Great Lakes National Program Office - 5,
Office of Regional Counsel - 9,
Environmental Services Division - 12,
Air Management Division - 17,
Planning & Management Division - 19,
Waste Management Division - 33,
Water Division - 36.

Each reviewer was provided a copy the Performance Management System Manual which explains the development of critical job elements and performance standards, the requirements of which were established by the Civil Service Reform Act. Additionally, each reviewer was provided with copies of the position descriptions that corresponded to the performance standards that they were assigned to review. Each reviewer examined the performance standards against a pre-established checklist. The checklist was developed by a review of requirements set forth in 5 C.F.R. Section 430, Chapter 430 of the Federal Personnel Manual, and the Performance Management System Manual. Therefore, the checklist contained elements to be examined that were required by law, Federal Personnel regulations, and our own Personnel Management System.

The following are the results of the review as provided by the reviewers and consolidated by the Personnel Branch. The first element of review dealt with critical job elements themselves. A critical job element is a reflection of the more important duties of a position and should bare a significant relationship to the basis or purpose of the position and to the major goals and functions of the organization. 94% of the standards that were reviewed had critical job elements that were considered a major responsibility of the position. 17% of the performance standards reviewed had at least one critical job element which did not identify the reason or purpose of performing the major function which was being described. Our Performance Management System Manual indicates that between 4 and 7 critical job elements should be identified in the development of performance standards. Our reviewers indicated only 75% of the standards reviewed had between 4 and 7 critical job elements. More standards had fewer than 4 critical job elements than those that had more than 7.

The second part of the evaluation criteria dealt with a review of the performance standards themselves. Performance standards are measurements of an accomplished work objective. They must be an accurate description of expected job performance in relation to the requirements of the position. The reviewers indicated that only 87% of the performance standards reviewed had a high correlation between the critical job elements, performance standards, and the position descriptions. This percentage is low, as the law, regulations and Performance Mananagement System Manual requires that there be a close link between these factors. Concerning workplans, 78% of the standards had a high correlation to organizational workplans. Additionally, 91% of the standards were considered to be understandable and simply stated. 93% of the standards reviewed measured all parts of critical job elements that were identified.

The Performance Management System Manual indicated each level of a performance standard should clearly state how well or how accurate (quality), how soon or when (timeliness), how many or how much (quantity), and in what manner

each performance element is to be carried out. In reviewing the performance standards against this criteria, it was revealed that only 50% of the reviewers felt that the standards reflected this concept.

The reviewers felt that 36% of the standards reviewed had fully successful levels described as truly reflective of fully successful performance. Fully Successful performance was defined as that which can be reasonably expected of a qualified experienced employee in completing assignments. Although only 71% of the standards were considered to have levels of performance within the control of the employee, the reviewers felt that 83% of the standards had levels that were attainable by the employee.

One of the problems noted by the review of performance standards is the differentiation between performance levels as described in the performance standards. Only 52% of the standards had performance levels of outstanding which could be clearly distinguished from the fully successful performance level. The major comments were that there was little, if any, distinction between the way these two performance levels were written in many of the standards. Additionally, only 63% of the standards were written so that an unacceptable performance was clearly identified and of such a quality that a personnel action such as a removal or downgrade could be justified based on such a level of performance.

A number of merit pay employee's performance standards were also reviewed. One of the requirements of 5 C.F.R. §540 is that merit pay performance standards must measure a supervisor's or manager's individual performance in relationship to organizational accomplishments. Our reviewers indicated that 90% of the merit pay employee's standards conform to this requirement. Additionally, 93% of the merit pay employee performance standards evaluate the employees performance in meeting affirmative action goals and achieving equal employment opportunity requirements to the extent that the positions involve such responsibilities.

The Performance Management Systems Manual recommends that each standard have a weighted factor of at least 10 points. The reviewers indicated that only 69% of the standards reviewed met this recommendation. Most of the problem areas involved standards that had a 5 point weight factor assigned to them. The Performance Management Systems Manual also requires that the weighted factors equal 100 points. 91% of the standards met that requirement i.e., one standard had weighted factors that equalled 140 points, the remainder of the standards reviewed had weighted factors that were less than 100 points. The review also indicated that only 88% of the performance standards were properly signed and dated by the employees, their supervisors, and the reviewer/approver official. Most of the problem areas involved a lack of an approver signature.

The reviewers were also asked to give an overall assessment of the standards that they were assigned to review. The choices given to the reviewers were: Excellent, Above Average, Adequate/Average, Needs revision-can be improved, and Poor. The reviewers indicated that 28.2% of the performance standards reviewed were rated as either needing revision or were rated as Poor. 38.8% were rated Adequate/Average. 26.8% of the standards were rated Above Average, and 5.2% were rated as Excellent.

The performance standards review indicated several problem areas, the problem most notable was the concept of how well the standards reflected levels of performance that identified quality, quantity and timeliness factors in the systems of measure. Although some positions do not readily lend themselves to this type of measurement, the fact that only 50% of the standards reviewed met the criteria clearly indicates a need for modification of some of those standards. Another problem area dealt with the poor distinction between the fully successful level of performance and the outstanding level of performance as identified in performance standards. As indicated earlier, only 52% of the standards reviewed had clear distinctions between these two levels. This low rating indicates that there is a need to review standards to assure that there are clear differences between performance levels within the standard.

Another major problem, was the fact that only 63% of the standards were written so that unacceptable performance could be clearly identified and support a remedial action. This problem relates to the same concept identified above, whereas there is a lack of clearly identified levels of performance at 3 distinct levels.

While the review of the performance standards was not a technical or scientific study, it does confirm our perception that performance standards could be improved. While the information contained in this memorandum is a general overview of the results of the study it should assist you in revisions you are considering relating to the Mid-Year Review. We are in the process of further analyzing the standards for each individual Division and Office, and will distribute that information within the next week.

REGION V EMPLOYEE RATINGS

MALE / FEMALE

RANGES	100/299	300/349	350/399	400/449	450/500
=====	=====	=====	=====	=====	=====
MALE	9	64	127	131	46
FEMALE	4	55	93	93	32
MALE	2.39%	16.98%	33.69%	34.75%	12.20%
FEMALE	1.44%	19.86%	33.57%	33.57%	11.55%

GRADE LEVEL

RANGES	100/299	300/349	350/399	400/449	450/500
=====	=====	=====	=====	=====	=====
1 TO 5	5	29	42	25	7
6 TO 8	1	7	24	27	7
9 TO 12	5	69	118	100	10
13 & UP	2	14	36	68	74
1 TO 5	4.46%	25.89%	37.50%	25.89%	5.25%
6 TO 8	1.52%	10.61%	36.36%	40.91%	10.51%
9 TO 12	1.55%	21.47%	36.65%	31.06%	9.32%
13 & UP	1.30%	9.09%	23.38%	44.13%	22.09%

MINORITY CODE

RANGES	100/299	300/349	350/399	400/449	450/500
=====	=====	=====	=====	=====	=====
INDIAN	0	0	0	0	0
ASIAN	1	7	14	4	1
BLACK	4	42	60	39	8
HISPANIC	0	2	4	0	3
WHITE	9	68	142	191	55
INDIAN	0.00%	0.00%	0.00%	0.00%	0.00%
ASIAN	3.70%	25.93%	51.95%	14.91%	3.70%
BLACK	2.61%	27.45%	39.22%	25.49%	5.23%
HISPANIC	0.00%	2.22%	44.44%	0.00%	33.33%
WHITE	1.72%	14.62%	70.54%	38.92%	14.13%

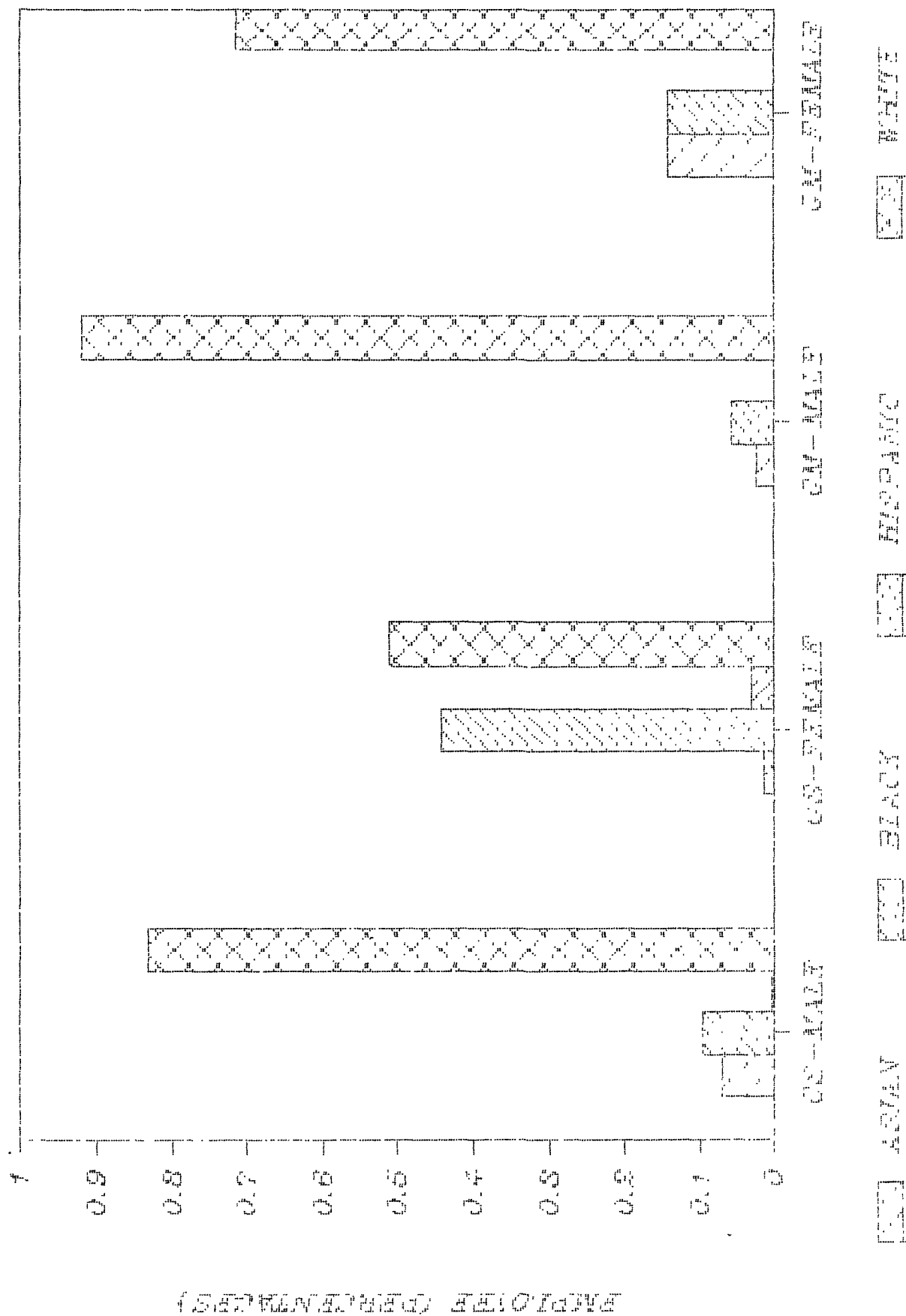
PAY PLAN

RANGES	100/299	300/349	350/399	400/449	450/500
=====	=====	=====	=====	=====	=====
GS	11	110	195	174	50
GM	1	9	29	45	21
ROTH	12	113	119	220	71
GS	1.41%	15.77%	31.11%	32.70%	8.13%
GM	1.00%	8.10%	24.00%	46.00%	21.00%
ROTH	1.36%	19.44%	34.22%	34.38%	11.09%

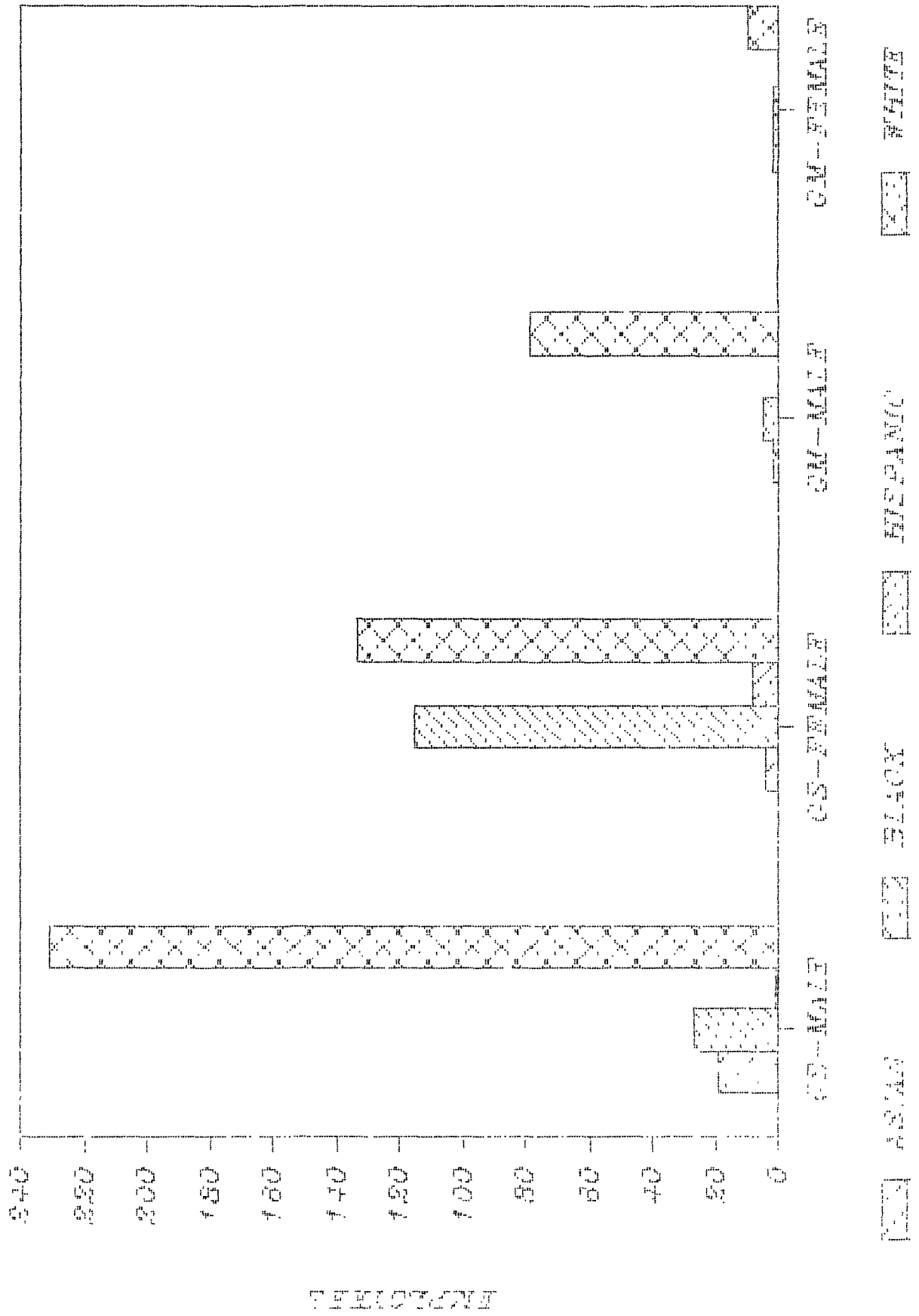
REGION V EMPLOYEE'S

	GS MALE	GS FEMALE	GM MALE	GM FEMALE
	=====	=====	=====	=====
INDIAN	0	0	0	0
ASIAN	19	4	2	2
BLACK	27	116	5	2
HISPANIC	1	8	0	0
WHITE	231	134	79	10
INDIAN	0.00%	0.00%	0.00%	0.00%
ASIAN	6.63%	1.53%	2.33%	14.29%
BLACK	9.71%	44.27%	5.91%	14.29%
HISPANIC	0.36%	3.05%	0.00%	0.00%
WHITE	93.09%	51.15%	91.86%	71.43%

REGION V EMPLOYEE GROUPINGS

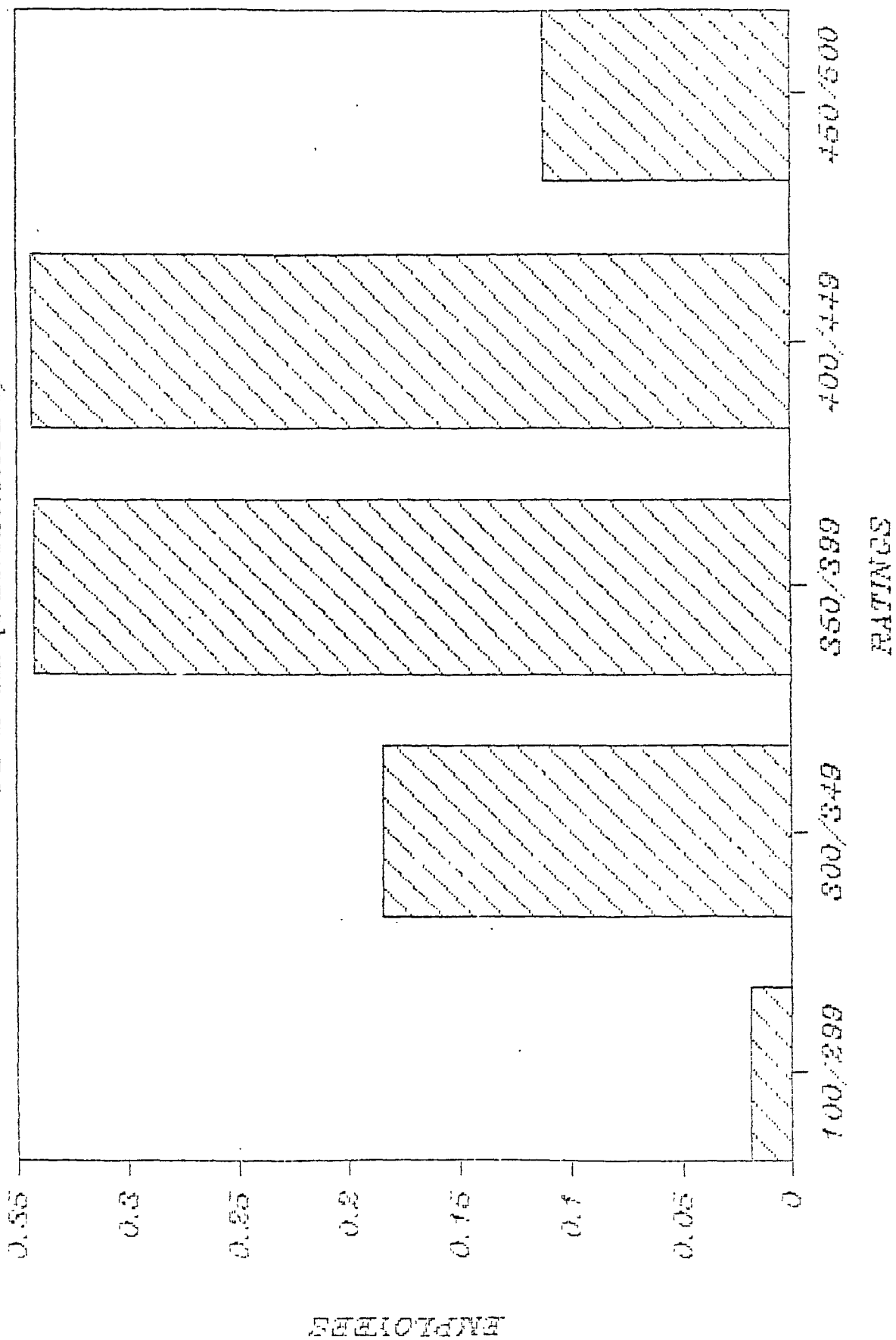


REGION V EMPLOYEE GROUPINGS

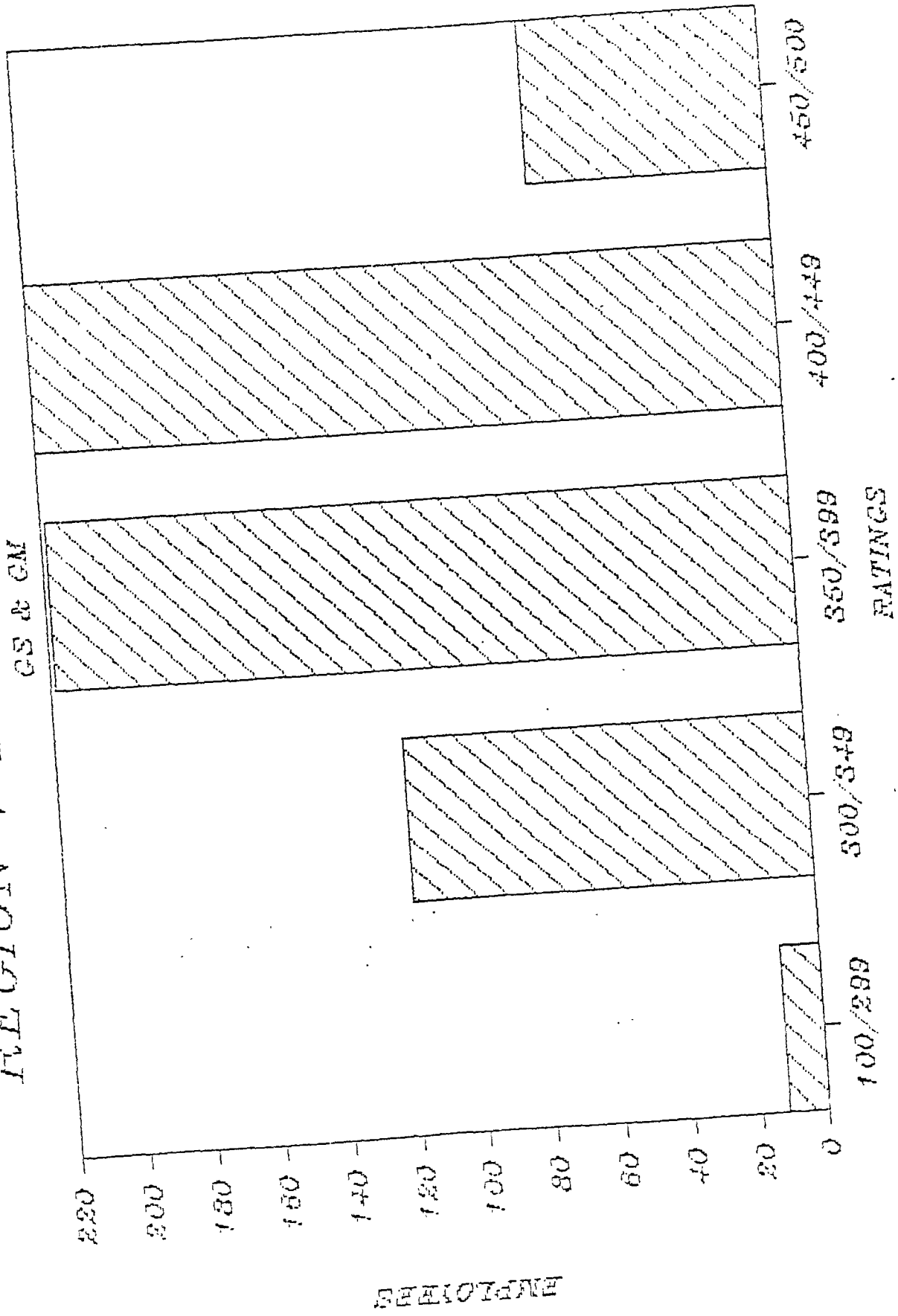


REGION V EMPLOYEE RATINGS

CS & GM (PERCENTAGES)

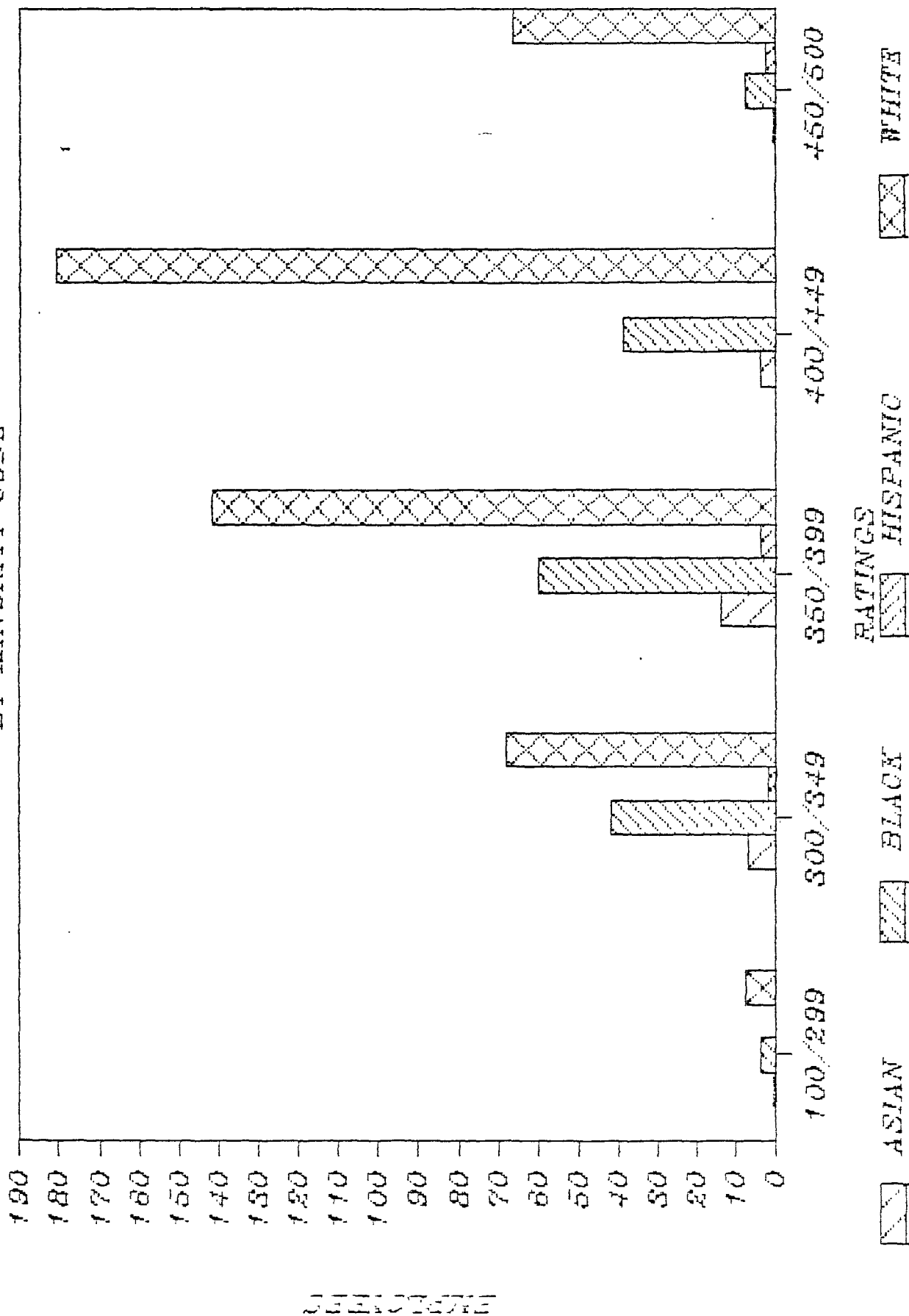


REGION V EMPLOYEE RATINGS



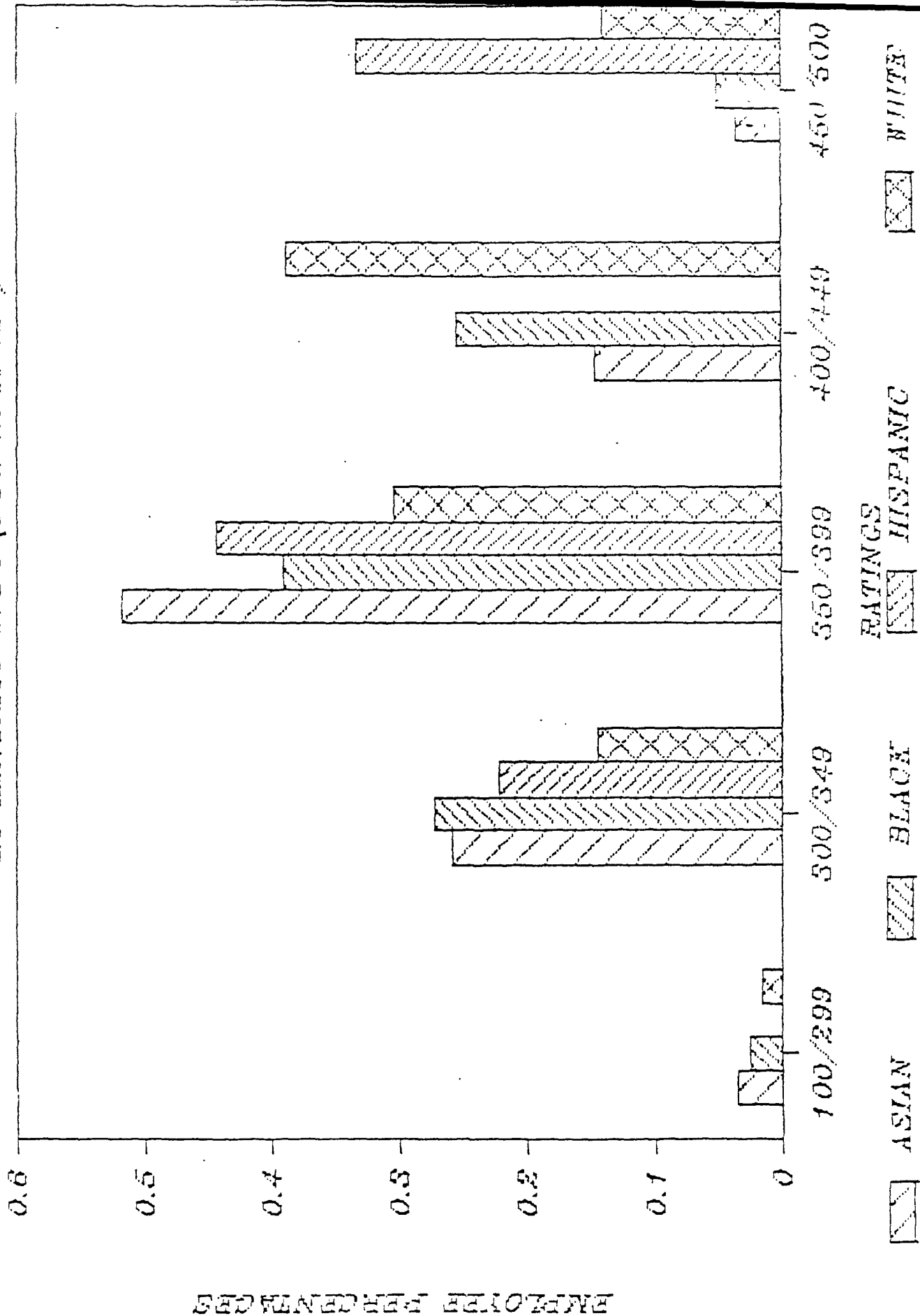
REGION V EMPLOYEE RATINGS

BY MINORITY CODE



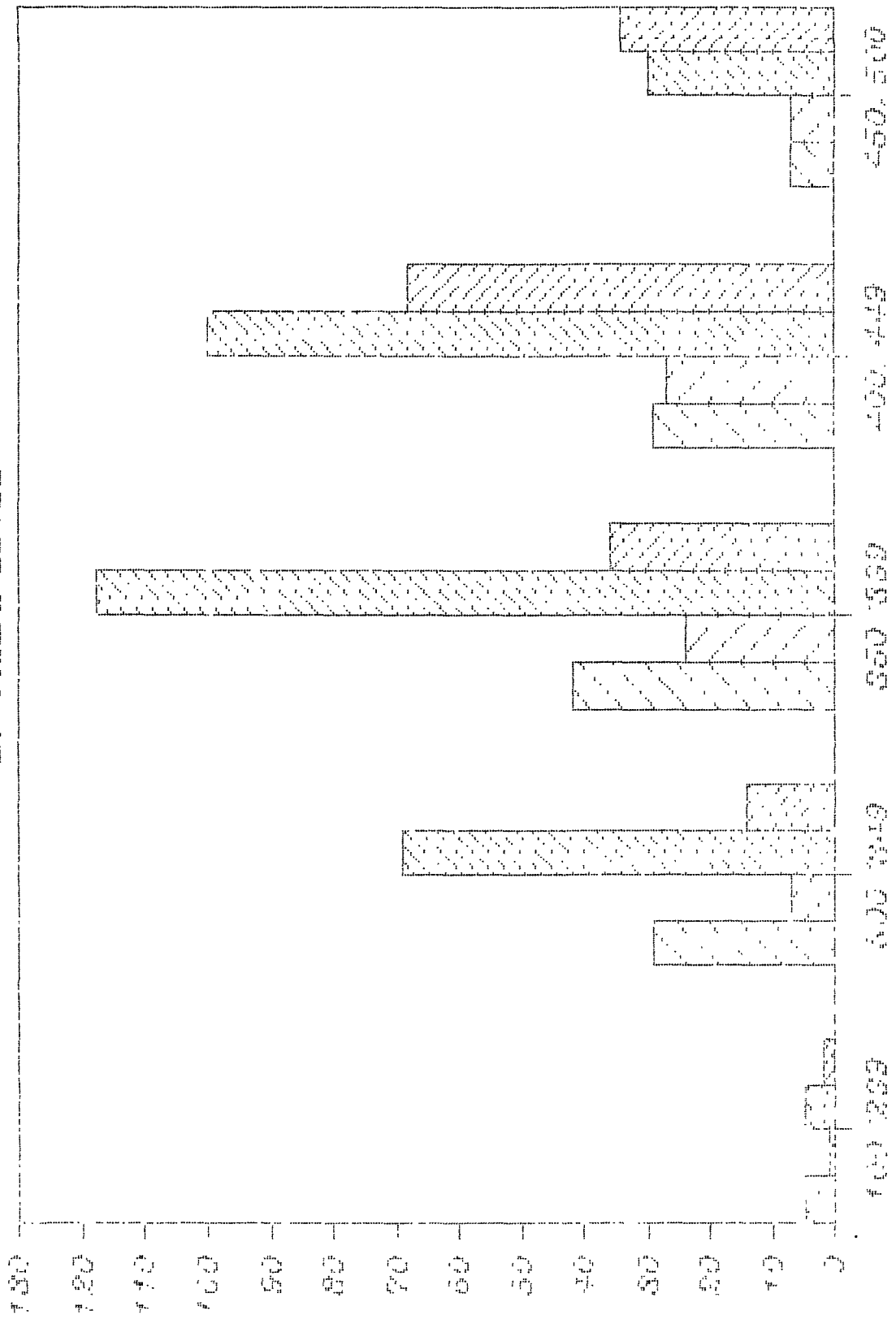
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BY MINORITY CODE (PERCENTAGES)



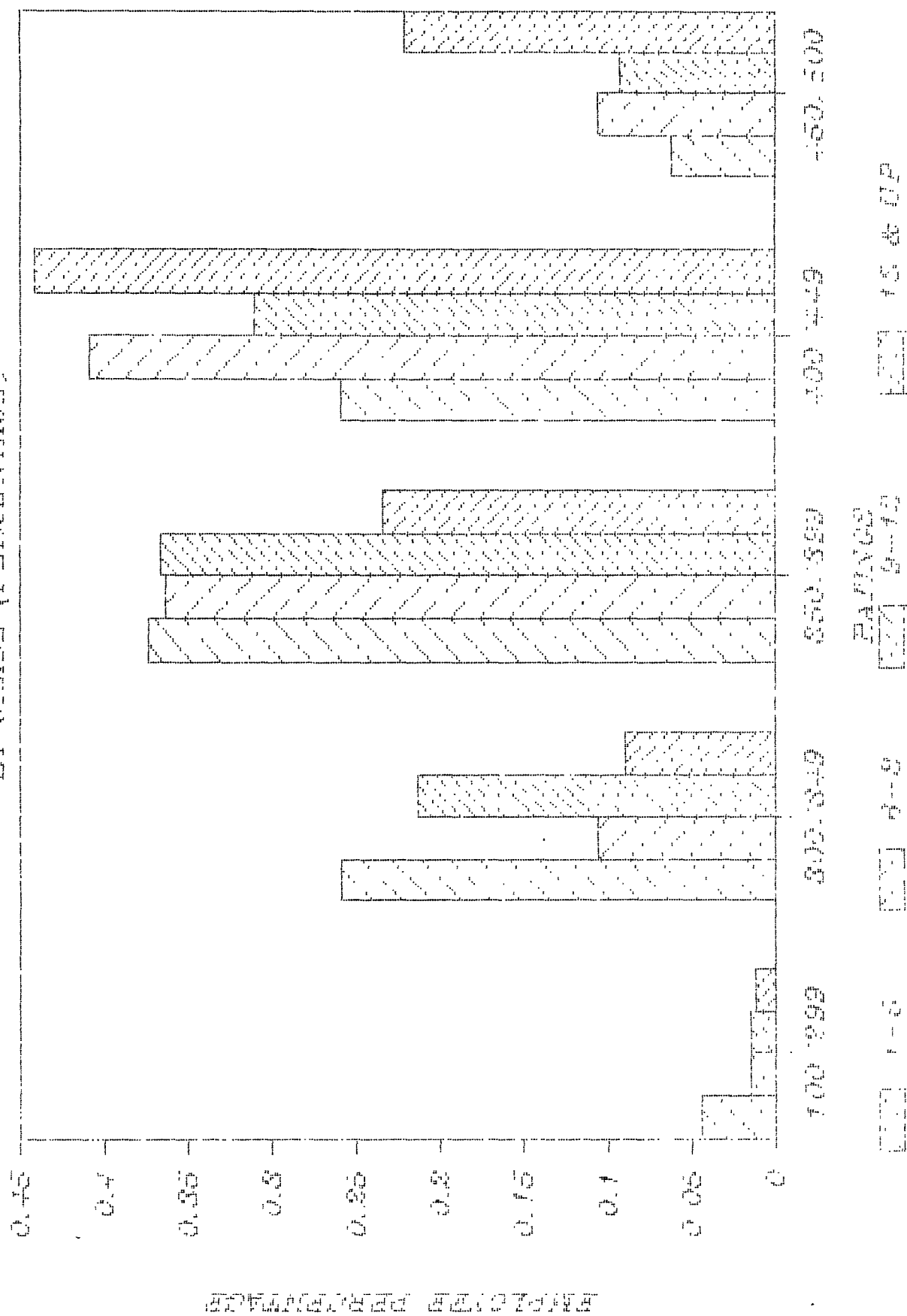
REGION V EMPLOYEE RATINGS

BY GRADE LEVEL



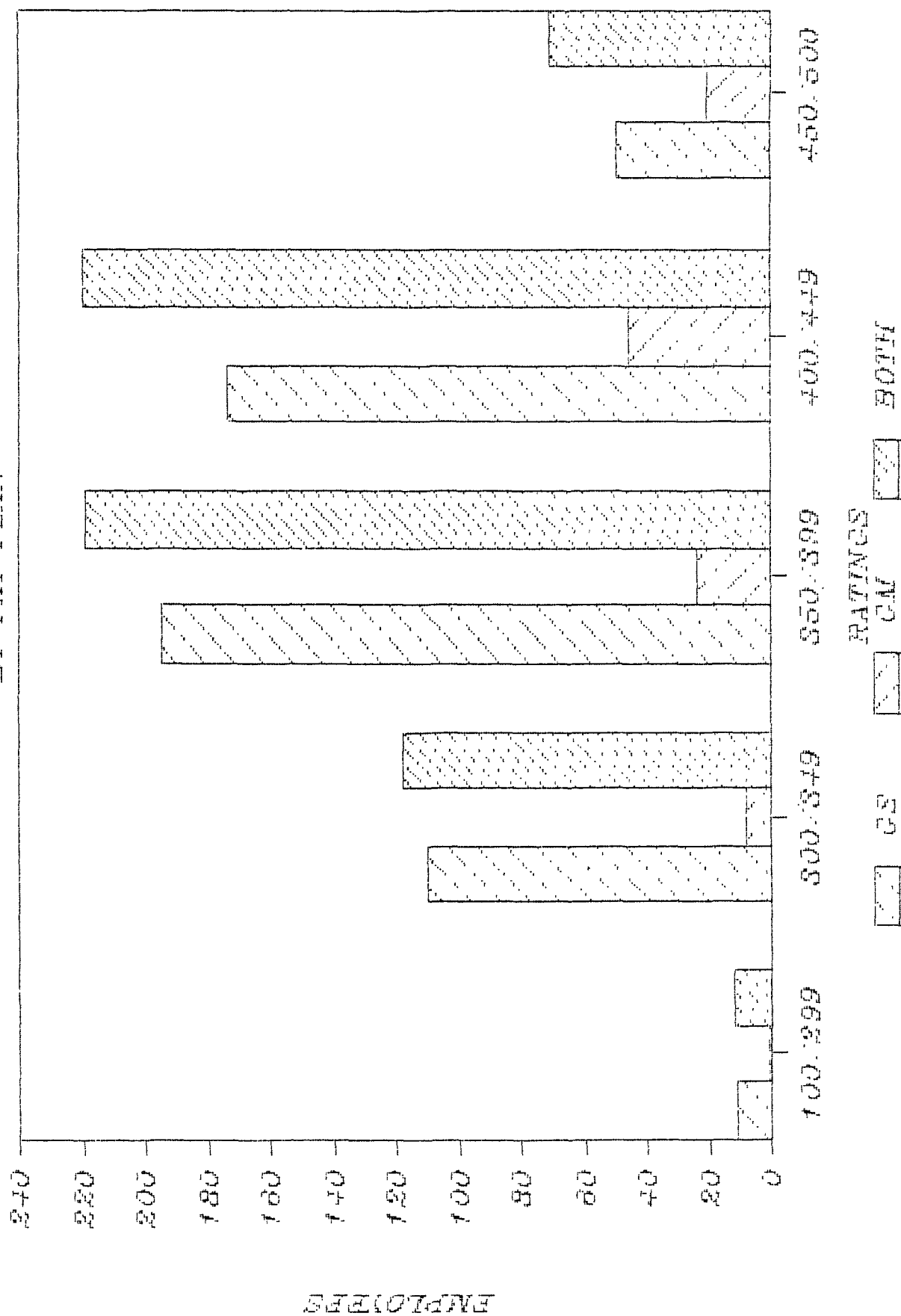
RATING 1-5 RATING 6-12

REGION V EMPLOYEE RATINGS BY GRADE (PERCENTAGE)



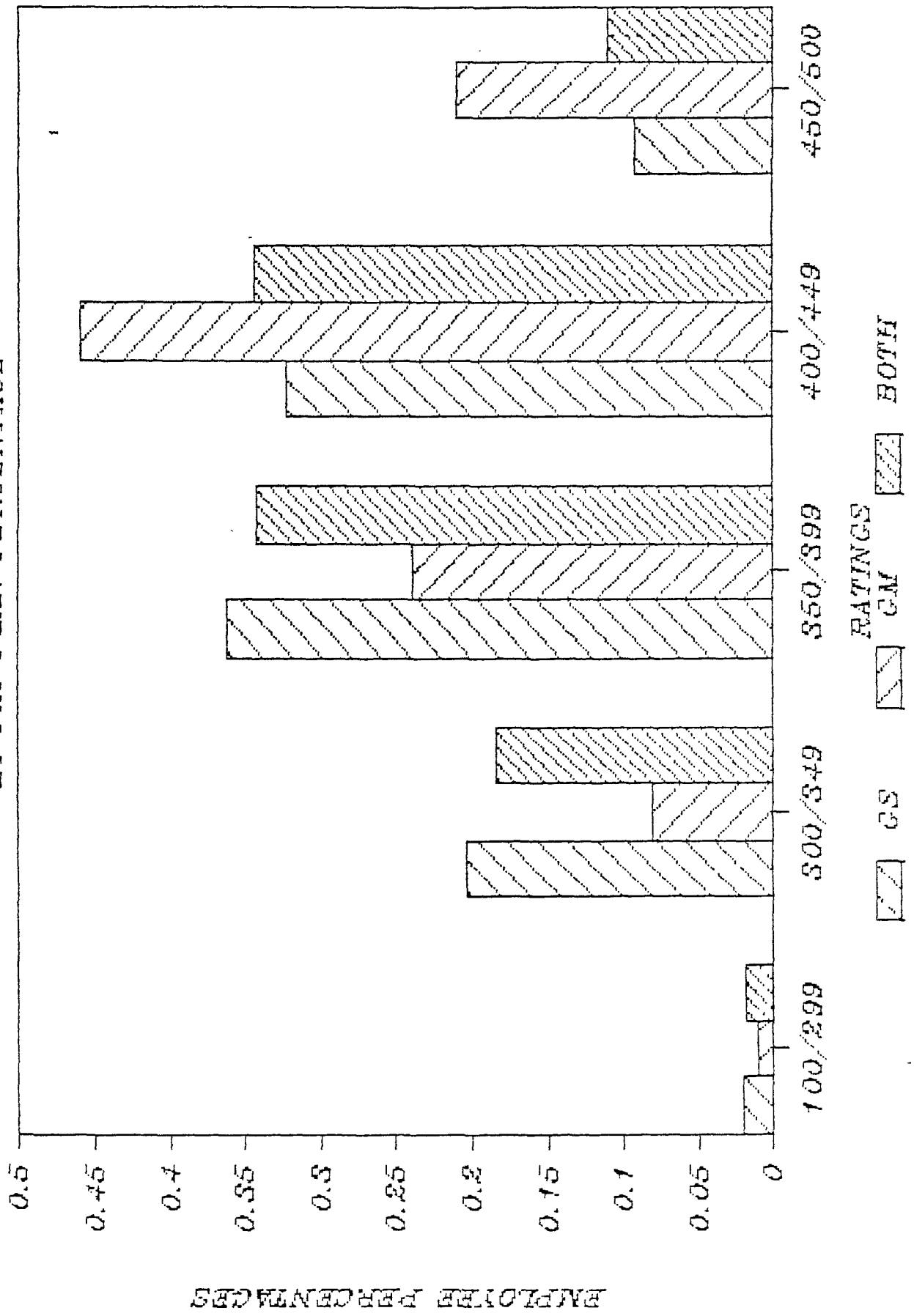
REGION V EMPLOYEE RATINGS

BY PAY PLAN



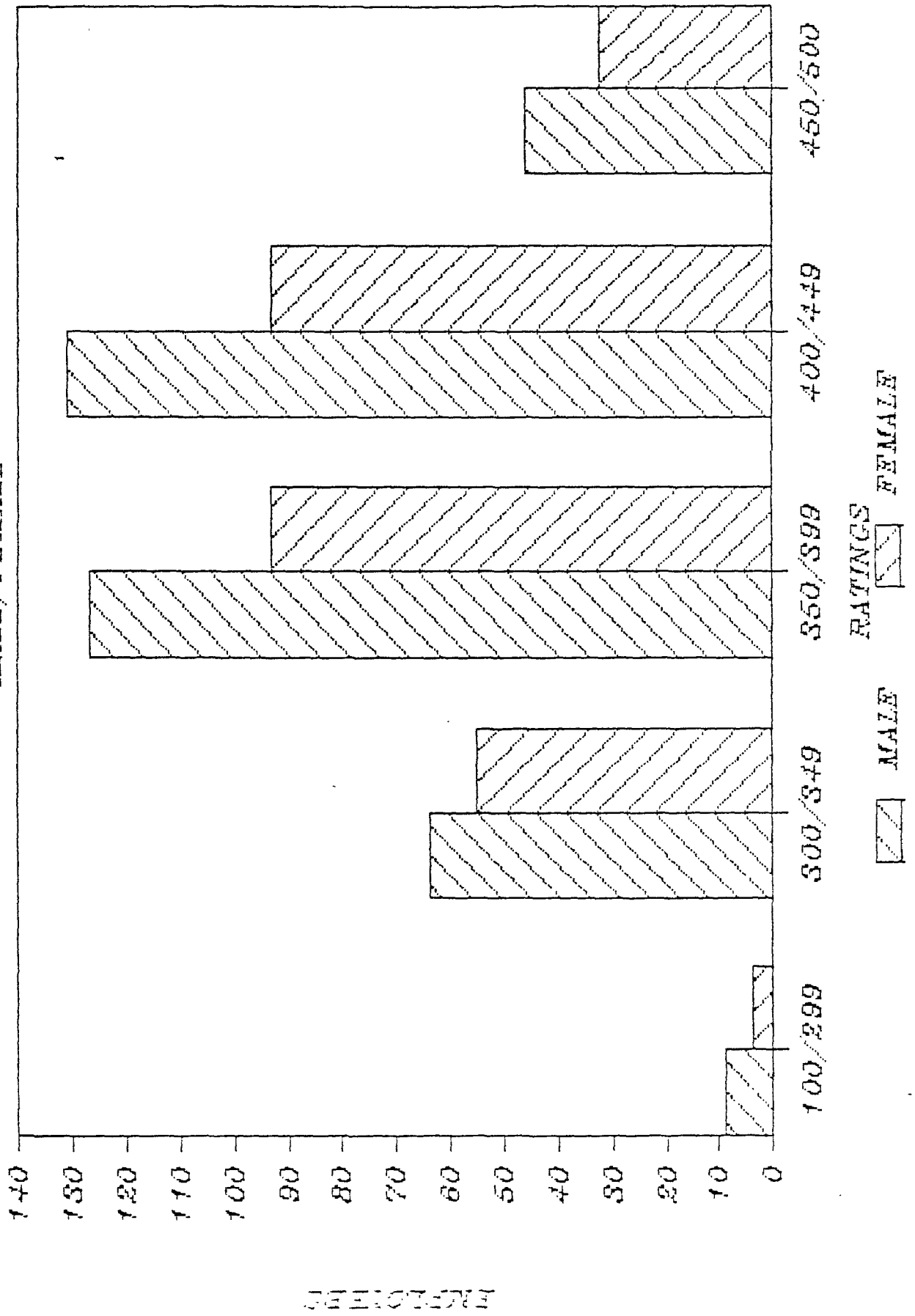
REGION V EMPLOYEE RATINGS

BY PAY PLAN PERCENTAGE



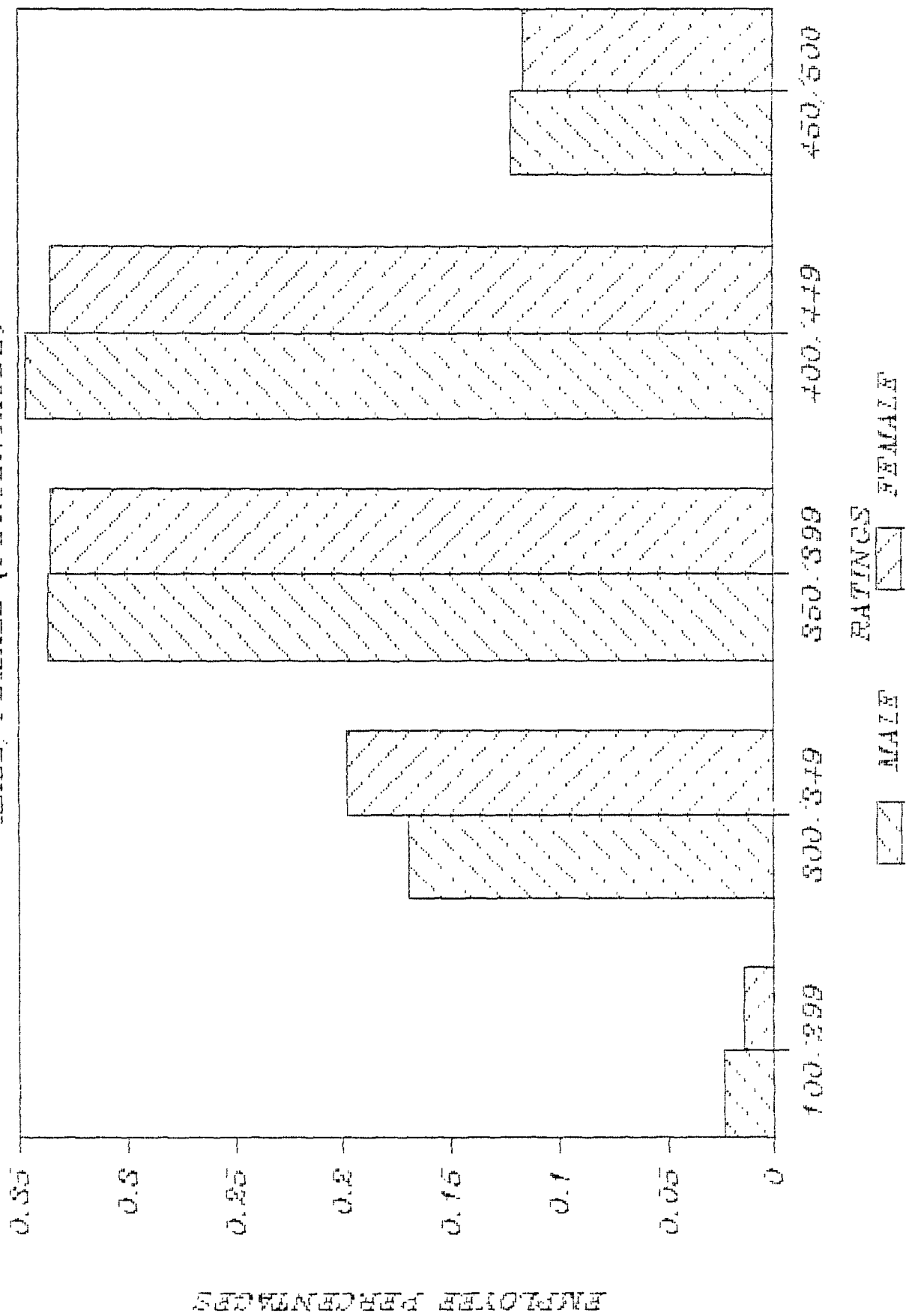
REGION V EMPLOYEE RATINGS

MALE/FEMALE



REGION V EMPLOYEE RATINGS

MALE, FEMALE (PERCENTAGES)



SUMMARY BY DIVISION/OFFICE OF TOTAL NUMBER OF CASH AWARDS (CSP, SA, QSI, AND HONOR AWARDS WITH CASH) GRANTED TO MERIT VS NON-MERIT PAY EMPLOYEES.

DIV.	MERIT PAY					NON-MERIT PAY					MERIT & NON-MERIT PAY		
	Dec. '84 Awards	Since Dec. '84	Total # of Awards	Total # of Empl. w/scores	%	Dec. '84 Awards	Since Dec. '84	Total # of Awards	Total of Empl. w/scores	%	Total # of Awards	Total # of Empl. w/scores	%
AMD	\$ 5,025	---	9	9	100%	\$16,715	---	35	77	45%	44	86	51%
WMD	5,700	---	7	16	44%	34,000	---	61	108	56%	68	124	55%
WD	14,265	---	18	28	64%	30,270	---	51	144	35%	69	172	40%
ESD	8,500	---	12	15	80%	17,936	---	25	64	39%	37	79	47%
PMD	5,150	---	5	11	45%	14,600	---	24	66	36%	29	77	38%
ORC	1,782	---	4	4	100%	8,022	---	10	43	23%	14	47	30%
GLNPO	3,257	---	4	4	100%	3,465	---	6	17	35%	10	21	48%
ORA	0	---	0	0	0%	2,650	---	6	21	28%	6	21	28%
REGION TOTAL	\$43,679	---	59	87	68%	\$127,658	---	218	540	40%	277	627	44%

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: MAY 02 1985

SUBJECT: Loss of Productive Worktime Due to Compressed Workweek and Flexitour Programs

FROM: Nicholas R. Bollo
Regional Personnel Officer

Nicholas R. Bollo

TO: Robert Springer, Director
Planning & Management Division

On January 30, 1985, you indicated that one of the major internal control weaknesses which Region V identified was the loss of productive worktime due to compressed workweek and the flexitour programs. You felt that there was a need to (1) develop a new Regional Order on each program, (2) review Division and Office compliance with Mr. Adamkus' memorandum of November 26, 1984, concerning assignment of acting supervisors for early and late hours of the day, (3) present the Senior Staff with the recommended changes and the results of our review, and (4) issue the results.

As you may recall, only three managers responded to Mr. Adamkus' November 26, 1984, memorandum. Based on the limited number of responses, I sent a memorandum to all Division and Office Directors on March 12, 1985, asking them to provide me with detailed information concerning the implementation of the provision requiring staff employees to function as acting supervisors during hours of the extended workday when supervisors are absent.

Based on the latter memorandum, I received seven responses, five of which were very brief and two of which gave us useful information. Attachment A is a review of the comments submitted by the three managers who responded to the November memorandum. Attachment B contains comments I received in conjunction with my memorandum of March 12, 1985. Attachment C contains proposed revisions of current policies on the alternate work schedule and compressed workweek programs.

The following is an analysis of the comments and recommendations received from both groups of managers and supervisors who responded to us.

Productivity.

Out of the ten respondents nine felt that productivity suffered as a result of compressed workweek and alternate work schedules. The main reason cited was the lack of supervision over the early arrivers and late departers. Of those responding that commented on the the "acting supervisor" concept of controlling potential abuse, none felt that it worked very well and most felt that it was placing an undue burden upon employees when they are expected to observe the arrivals or departures of their peers. Of the ten managers responding, one manager abolished compressed workweek schedules altogether, one felt that he could not abolish it because it was tantamount to an employee benefit but decided that he will modify the core hours, and one manager felt that there was no need to make any changes. The other seven expressed varying degrees of dissatisfaction with the programs.

Problems.

The most common problems cited by the managers are: (1) a lack of productivity

during the extended hours of the workday, and (2) coordination and scheduling difficulties as a result of early departures and off days.

Other problems cited in administering the programs are:

- (1) Difficulties in administration/supervision.
- (2) Increased overtime (when employee works on offday).
- (3) Lack of clerical support.
- (4) Office coverage.

Positive Aspects.

While all but one manager expressed varying degrees of dissatisfaction with the program, all conceded that there were at least positive perceptions, if not positive aspects to the program, but mostly on the part of their employees. It appeared to be a commonly held view by the responding managers that it would be hard to abolish the programs because they are viewed by many as "employee benefits" and therefore, quasi-sacrosanct. Most managers cited accomodation of personal needs such as commuter schedules as the most common positive aspect of either program. None cited increased service to the public or increased productivity, or better job performance.

The survey conducted by one Division Director revealed interesting results. For example, question number 5 states, "Under CWW, my immediate work unit meets its deadlines." The responses were as follows: More frequently - 19%, No change - 78%, Less frequently - 3%. This indicates that 97% felt that there was either no change from the past or they were meeting deadlines more frequently. Similarly, question number 6 states, "In general, how would you rate your units service to the States and Public since the start of CWW?" The responses were as follows: Better - 39%, no change - 55%, worse - 6%. The perception here is that 94% felt that there was either no change in service or better service since the start of the Compressed Workweek program. However, the concept that coordination is a problem is somewhat substantiated as only 6% felt that it was enhanced while 27% felt it was hindered. When asked if they would prefer to discontinue using the compressed workweek 79% said "No", 21% said "Yes."

Conclusions.

Most respondents expressed varying degrees of dissatisfaction with the way CWW and AWS programs were working in their organizations. The majority felt that 1) there was less productivity because of less supervision, 2) there were problems with coordination and scheduling, 3) the programs should be modified or changed but not abolished in total, and 4) most felt that the "acting supervisor" concept was not a workable alternative to direct supervision for controlling abuses.

The following is a review of the recommendations for modifying the compressed workweek and alternate work schedule programs.

Core Hours and Deviation Time.

As stated earlier, most respondents felt that, short of radical changes which

would be perceived too negatively, there is room for improvement. Most felt that improvement equated to tighter controls on core times and arrival and departure times. The following is a commonly suggested as a core time:

9:00 a.m. to 4:00 p.m.

The following are suggested as the parameters for early arrivals and late departers:

- 1) 7:00 a.m. to 5:30 p.m.
- 2) 7:00 a.m. to 6:00 p.m.
- 3) 7:30 a.m. to 5:30 p.m.

The general consensus is that the span of core hours should be made longer. It should be noted that core hours, as established by our regulations, are from 9:00 a.m. to 3:30 p.m. Managers also recommended that the span of starting and ending hours should be shortened to reflect an arrival time of 7:00 a.m. or 7:30 a.m., and end at 5:30 p.m. Again, it should be noted that the compressed workweek plan for Region V indicates that employees can arrive as early as 6:30 a.m., and leave as late as 6:00 p.m., with supervisory approval.

The subject of "acting supervisors" to cover the extended workday drew considerable criticism from the respondents that addressed the subject. While they did not recommend abolishing the concept, they did state that it was not perceived as a good idea and many felt that it was not effective. It should be noted that not all supervisors responded as to whether or not they are even implementing the concept, thus, lacking the affirmation that they are, we assume that not all offices are in compliance with the directive. I recommend that the concept be retained with more emphasis on accountability for actual compliance. For example, the AO's should maintain a roster of those who are designated as "acting supervisors" for their respective divisions. The Division Director or Office Director should certify compliance annually or as requested.

The Alternate Work Schedules (AWS) program was authorized on July 23, 1982, for a 3 year period, under subchapter II of Chapter 61 of Title 5, United States Code. The Office of Personnel Management (OPM) is required to evaluate the overall program prior to the expiration of the current statutory authority in July 1985. In order to accomplish this, they asked us for a report on our AWS programs last September. At that time, they wanted to find out whether there was any adverse impact that could reasonably be attributable to the AWS programs. They cited adverse agency impact as defined in Section 6131(b) of Title 5, U.S.C., as (1) a reduction of the productivity of the Agency; (2) a diminished level of services furnished to the public by the Agency; or (3) any increase in the cost of Agency operations relating to AWS. We reported that 43% of our employees were on a compressed work schedule, and 42.2% were on a flexitour. Our Region did not report any adverse impact as a result of AWS programs. In view of the comments received in response to the November 1984 and March 1985 memorandums, there seems to be a perception of lost productivity, among other problems. OPM's report asked a number of important questions which could serve as a focal point for an internal review of our program. As stated in the review of the comments in Attachment B, one manager has decided to ask for a Planning

and Analysis Branch review of the program within his Division. It may be advisable to have PAB conduct a Region-wide study to determine if the perceived loss of productivity or service to the public actually exists before we decide on major program changes.

The following are a list of questions that OPM asked us concerning the AWS program:

- (1) Has there been any measurable changes in agency productivity?
- (2) Were services to the public enhanced, diminished or unchanged?
- (3) Has there been a change in costs of agency operations?
- (4) What increased costs or losses in productivity are attributable to employees on compressed work schedules and the fact that they have more than eight hours off on holidays?
- (5) Do current statutory and regulatory provisions provide managers with sufficient management controls to effectively manage these programs, to prevent problems from developing, or to deal with them if they do?
- (6) For each AWS program your agency has terminated, if any, specify the reason(s) or basis for the decision to terminate?
- (7) Has the agency encountered any problems terminating a program established by a negotiated agreement?
- (8) Has the agency terminated any programs in mid-contract?
- (9) Has the agency encountered any problems terminating a program that was not established under a negotiated agreement?
- (10) What impact have flexible and compressed work schedules had on mass transit facilities?
- (11) How have traffic patterns been affected?
- (12) Has the use of carpools increased or decreased?
- (13) Has there been a change in the level of energy usage within the facilities of your agency?
- (14) Have opportunities for full-time and part-time employment increased?
- (15) Are employees more satisfied with their jobs and nonworklife?
- (16) Have there been any judicial decisions or administrative decisions by the Comptroller General, the FLRA or the FSIP affecting programs in the Agency?
- (17) What statutory or regulatory changes are needed to make AWS programs more manageable or more cost effective?
- (18) What materials and/or assistance from OPM might be helpful in the overall

management of the AWS program?

Even without a review of our program by the Planning and Analysis Branch, there are considerable changes which can be made to overcome some of the problems identified by our managers. The core hours can be changed from the current 9:00 a.m. to 3:30 p.m. to the suggested 9:00 a.m. to 4:00 p.m. Additionally, the starting and ending hours can be changed from the current 6:30 a.m. to 6:00 p.m. to the suggested 7:00 a.m. to 5:30 p.m. Using the above suggested changes, an employee on compressed workweek who arrives at 7:00 a.m. and works 9 hours and takes a 30 minute lunch can go home at 4:30 p.m. An employee on compressed workweek can come in as late as 8:00 a.m., work 9 hours, take a 30 minute lunch and leave at 5:30 p.m. Therefore, using the suggested changes, a CWW employee can arrive between 7:00 a.m. and 8:00 a.m., and still leave by 5:30 p.m.

Using the same suggested core hours and starting and ending times, an employee who works eight hours can arrive at 7:30 a.m., work eight hours, take a 30 minute lunch, and leave at 4:00 p.m. Those working late under this concept can arrive as late as 9:00 a.m., work eight hours, take a 30 minute lunch, and leave by 5:30 p.m. Under the suggested changes, an 8 hour per day flexitour employee can arrive between 7:30 a.m. and 9:00 a.m. and still comply with the 9:00 a.m. to 4:00 p.m. core hour requirement, and can still leave by the 5:30 p.m. departure time.

The Region's written guidance on these programs is contained in Order No. RV 3160.1 Flexible Work Schedules, dated October 1, 1976, and a memorandum subject, "Compressed Workweek" dated October 12, 1979. It is recommended that these documents be superceded by the proposed order contained in Attachment C, Titled, "Alternate Work Schedules." The proposed order combines the current flexitour and compressed workweek program into a single comprehensive document and updates them in accordance with changes in the Law.

Summary

As you indicated on January 30, 1985, one of the major internal control weaknesses identified by Region V was the loss of productivity due to compressed workweek and flexitour work schedules. Based on comments received from Mr. Adamkus' memorandum of November 26, 1984, and my memorandum of March 12, 1985, these perceptions are shared by the majority of those who chose to comment. With regard to assessing compliance with Mr. Adamkus' memorandum's provision requiring assignment of "acting supervisors," we detected considerable criticism of the concept and presume that it is not being enforced unilaterally within the region, as most managers who responded to us either did not comment on whether or not they were in compliance, or else they expressed considerable dissatisfaction with the policy.

Concerning the results and recommended changes, it appears that there is little support for terminating the AWS programs, yet there is considerable support for making changes and modifications. In consonance with those recommendations, we have drafted a proposed order which should make life easier for most of the managers who expressed concerns to us. And finally, there is the subject of whether or not Region V should consider a PAB study

on productivity and service to the public under AWS. I recommend that the Region hold the final decision on a Region-Wide study in obedience until after final legislation is enacted in July 1985, as there could be significant changes in the law that could affect our programs. Notwithstanding the possibility of significant legislative changes, I recommend that the Region proceed with conducting a study of selected work units to determine whether a larger Region-wide study should be made. If the limited review reveals problems, then I believe we should conduct a broader study after July 1985, to ascertain the scope of the problems and use it as a basis to change the direction of our AWS program.

The following are comments received from three Region V Managers who responded to Mr. Adamkus' memorandum.

The first manager indicated that most of the work in his unit required continuous interaction with his counterparts in Headquarters, other Federal agencies, as well as State entities. He indicated that the majority of his staff was currently on a compressed workweek although few or none of the offices with which they dealt with on a regular basis utilized such a schedule. He indicated that the implementation of the compressed workweek contributed to the difficulty of his office providing a full service and was thus inhibited from properly discharging its responsibilities to its clients. He indicated further that it was his firm opinion that an office such as his must operate full-time to adequately serve the interest of EPA and its clients.

The manager pointed out as a separate issue that administering the compressed work schedule system has proved difficult because it is susceptible to abuse, i.e., long lunch hours, late arrival for work, and early departures. He indicated close supervision of the system was difficult, if not impossible, since a compressed workday often spans a 10-hour period.

The second manager commented on the Compressed Workweek Plan as well as the flexitime schedule. She indicated that based on her experience, the compressed workweek offers greater personal productivity but occasionally compromises group productivity. She stated there was no simple way to measure which out weighs the other and, because the Compressed Workweek Plan is perceived to be a tremendous employee benefit, felt that the Agency should continue to support it. Her recommendation concerning the compressed workweek policy was that the starting time should be no earlier than 7:00 a.m. although she did not offer specific reasons for the recommendation.

She indicated she supported retaining the Flexible Work Schedule but recommended that the hours for starting and quitting times be reduced. Currently, the standard starting time and quitting time is 8:15 a.m. and 4:45 p.m. respectively. She recommended that employees be allowed to flex these times by 45 minutes on either end of the standard schedule, this would mean that people could start work as early as 7:30 a.m., or stay as late as 5:30 p.m. This change, she felt, would still accommodate varying commuter schedules but would make supervision easier where it was a problem because it increases the time employees are in the office with direct supervision. Additionally, she felt it would enhance group productivity because more people would be present in the office at the same time, which makes interaction and coordination easier and it gives those who like to start early, and those who prefer to stay late, equal consideration because the amount of flexitime allowed in the morning and in the evening would be the same.

The last manager provided what he emphasized to be his own personal comments on the Flexible Work Schedule Program. He indicated that the comments were strictly his opinion and not reflective of those of his position within the Agency. He stated that the purpose of the Flexible Work Schedule Program is to "improve productivity in the Federal Government and provide greater service to the public." He stated that, based on his personal experience, he felt that if these two purposes were truly evaluated, the evidence would overwhelmingly support the fact that overall productivity significantly decreases and that service to the public deteriorates.

He felt the only thing resulting from the program was personal convenience to the individual employees. In his opinion, that is clearly not the criteria for finding the program acceptable.

The manager states that there are a group of employees that require constant supervision, and unless closely monitored, will not perform a day's work for a day's pay. He felt that this group of employees would take advantage of the system and opted for a flexible work schedule because they could arrive early and spend their time talking to relatives on the telephone, reading the newspaper, and then pass the time socializing until such time that their supervisors arrive. In order to control the system, a senior staff person has to be assigned to the role of acting for the supervisor in matters of time and attendance and this, in actuality, does not work. He felt that people are reluctant to "report" their fellow employees and they generally feel no responsibility to provide supervisory functions when they are not supervisors. As a result, the system is abused and it fails. He felt that productivity is definitely not enhanced under the Flexible Work Schedule because employees waste time before a supervisor arrives or after a supervisor leaves.

This manager also addressed the concept of service to the public. He stated that with office hours starting as early as 6:00 or 6:30 a.m. the public is not being served by those early arrivals. When the public tries to obtain answers after 3:30 p.m., they find that key staff members are gone for the day. He stated that, in a broader sense of service to the public, it was nearly impossible to schedule trips, meetings, or conferences on Mondays or Fridays or to hold meetings after 3:30 p.m. because of the alternate work schedule.

This manager strongly urged that before Region V continues to utilize the Alternative Work Schedule, we do a complete and thorough evaluation to determine whether productivity is being improved and whether there is greater service to the public. It was this manager's strong personal belief that it was impossible to properly manage an Flexible Work Schedule Program to the benefit of the Government with the result of improved productivity and greater service to the public. He felt that the only result of the Flexible Work Schedule was in personal convenience of those taking advantage of it.

The Federal Employees Flexible and Compressed Work Schedules Act of 1982, Codified as 5 USC 6120, was enacted because Congress felt that the use of flexible and compressed schedules had the potential to improve productivity in the Federal Government and provide greater services to the public. We have recognized that, under certain circumstances, certain work schedules may be detrimental to EPA's ability to accomplish its mission efficiently and effectively and it is also entirely possible that, in certain organizations within our Region, these programs have an adverse agency impact. In such instances, supervisors have had the authority to limit flexible and compressed workweek schedules.

Labor relations laws in the Federal sector define adverse agency impact as: (1) A reduction in the productivity of the Agency; (2) a diminished level of services furnished to the public by the Agency; (3) an increase in the cost of Agency operations (other than reasonable administrative costs relating to the process of establishing a flexible or compressed schedule).

I draw these parallels between labor relations laws and the impact of these programs upon EPA because several agencies have determined that these programs have an adverse agency impact, and they do provide us with a valid process for evaluation.

When a Federal agency and a recognized labor organization reach an impasse over an agency's determination not to establish a flexible or compressed work schedule because of an adverse agency impact, 5 USC §6131 provides for the Federal Service Impasses Panel to resolve the matter. To date, the Federal Service Impasses Panel has issued only a handful of decisions under §6131. Several of the cases provide insight into the criteria used by agencies to determine if there has been adverse agency impact. There are many parallels between the kinds of issues raised in the comments referenced above, and the concerns on the part of other Federal agencies who have had to bargain over the same issues with labor unions. Agencies that have had to bargain over flexitime and alternative work schedules have had to develop sufficient evidence to prove adverse agency impact. For example, Department of the Army, Fort Rucker, Alabama v. Local 1815, AFGE, case number 83 FSIP 45, (25 October 1983), involved a union proposal to consider a revised alternate schedule workplan for their Procurement Division which essentially replaced a very similar plan discontinued by the agency. Management opposed the union's proposal and was able to introduce specific evidence concerning its backlog of orders, quality of customer service, and level of overtime costs. Management argued principally that these problems result, in large part, from the fact that employees work schedules did not coincide to a great enough degree with those of contractors, customers, and other employees. The agency was able to back up its arguments with testimony detailing with specific examples and difficulties encountered under the former plan. The agency also introduced evidence to establish that the backlog, customer complaints, and overtime costs had all declined substantially when the former alternative work schedule plan was discontinued. The Impasses Panel was persuaded by these arguments, and upheld the agency's determination of adverse impact. It is obvious, that the agency's prior unfavorable track record with an alternative work schedule was a major element in the favorable outcome of the case. From this particular case, the Agency reacted to factual information rather than perception and speculation.

In considering further the comments provided by the three managers who responded to Mr. Adamkus' memorandum, we must consider whether or not these flexitime programs have achieved the results for which we were looking when they were initiated. For example, the following is a list of reasons many Federal agencies adopted and have continued flexitime programs.

1. Reduction of absenteeism.
2. Reduction of tardiness.
3. Reduction of employee turnover.
4. Reduction of overtime.
5. Improved employee morale and satisfaction.
6. Improved internal coordination of jobs.
7. Gain flexibility in assigning employees to different jobs.
8. Allow for reduced work hours without laying off employees.
9. Make jobs more attractive for recruiting.
10. Improve commuting conditions for employees and surrounding community.

In assessing the Compressed Workweek and Flexible Work Schedule programs we must, as a Region, determine whether we were able to measure the reasons for the program. For example, one of the comments referenced by one of the managers indicated that the only result of the Flexible Work Schedule was personal convenience. It was his opinion that personal convenience is a key factor, however, it should be factored out of the evaluation process in such a way as to arrive at an objective analysis of determining whether or not there was increased productivity and greater service to the public. Adopting that philosophy ignores many significant positive program attributes. For example, improving morale, commuting conditions, and making jobs more attractive for recruiting purposes are indeed important factors to be considered in an overall or even partial evaluation of the program.

Management has many options to consider in dealing with these two programs. While it would be difficult because of a lack of data/statistics to make a definite recommendation concerning the future of these programs or possible changes in them, there are alternatives and options available which management should be aware of. First, we have the prerogative to exempt certain positions or, for that matter, entire organizations, from the Compressed Work Week and/or Flexible Work Schedule program. Secondly, the existing regulations provide that each Branch Chief is responsible for developing an overall plan of scheduled days off to ensure maximum office coverage with a goal of at least 75% of the staff scheduled to work on all workdays. Each Branch's plan is subject to approval by the Division Director. In this context, Branch Chiefs have the responsibility for assuring adequate office coverage. Supervisors should be aware, due to their unique characteristics, some positions do not fit well in these programs and can be designated as exempt from them.

If it is determined that organizational efficiency of any work unit is impaired by such a program the responsible Division or Office Director could request, through the Regional Administrator and the Personnel Branch, that his/her Division or Office be excluded from such programs. An organization that is excluded from the program will return to a regular tour of duty.

As Mr. Adamkus pointed out in his memorandum of November 26, 1984, the success of these programs requires mutual cooperation on the part of all supervisors and employees. While this memorandum did not generate a large number of responses, the responses that were received deserved to be given serious consideration. Some problems that are identified in

one division may or may not surface in another division. Individual divisions may want to conduct a self assessment of the benefits and detriments of these programs and make decisions accordingly. Other Federal agencies have reviewed their programs and have raised the same issues and concerns, and have dealt with them in a number of different ways. For example, some Federal agencies require each employee to annotate a time sheet which documents their morning arrival time, their departure and arrival to and from lunch, and their departure at the end of the workday. It also captures the amount of leave/credit hours used, credit hours earned and hours carried over from one pay period to the next. While I am not necessarily advocating this approach, it is being used successfully to correct some of the real or imagined abuses that have been identified by those managers that have submitted comments to me.

The following are comments received from seven Region V managers who responded to Personnel's memorandum of March 12, 1985.

The first manager indicated that his staff utilized both Flexible Work Schedules and Compressed Workweek. He stated that the programs provided good office coverage and recommended that no modifications should be made to the Region's current policies.

The second manager commented that flexitime policies should be changed to reduce the breadth of the core hours, although he did not make a specific recommendation as to the extent to which they should be reduced. With respect to the compressed workweek program, he stated that it should be eliminated because it was too difficult to:

- a. schedule meetings,
- b. rely on clerical help, and
- c. obtain staff advice from management on important issues on an as needed basis.

The third manager stated that he gets in before the early staff arrives and leaves after the late ones have gone home, thus he supervised throughout the extended workday. He stated that he was not a fan of the alternate work schedule because of the supervisory problems, the loss of productivity over the 9 hour day, and the observed fact that the 5 to 6 p.m. timefram is generally 90% non-productive.

The fourth manager expressed support of the compressed workweek and flexitime, and indicated the region should keep the programs while making minor changes. He recommended that the core hours be changed, and suggested to 9:00 a.m. to 4:00 p.m. He also recommended that the earliest starting time should be 7:00 a.m., and the latest quitting time should be 5:30 p.m. He recommended these changes because in his opinion, the Government does not get full advantage of the employee's time because of a general lack of supervision and a tendency for employees to catch up on their newspaper reading and make personal calls. He feels that employees should not be permitted to work more than 30 minutes in the morning or evening without supervision.

The fifth manager, a Division Director, expressed the personal view that the compressed workweek is a flawed concept, but felt that it was a recognized employee benefit that would be virtually impossible to retract. Therefore, he intended to institute reasonable reforms in his division. He stated that the idea that nonsupervisory staff can be charged with overseeing peer staff conduct in the absence of the supervisor is unworkable in practice. The major source of the problem is that employees who need close supervision are in the office for long periods of time without it. Further, he indicated that trying to separate responsible employees from irresponsible ones generates incredible stresses within the organization. He indicated he will alleviate the problem somewhat by shortening the period of nonsupervision. To do so he will establish a core period from 9:00 a.m. to 4:00 p.m., and establish 7:00 a.m. and 5:30 p.m. as the earliest and latest arrival and departure times.

The sixth manager, a Deputy Division Director, commented that while they utilize senior staffers as "acting supervisors" during the hours of the extended day, its effectiveness has not been measured and it places an unreasonable burden on

a nonsupervisor to report on his/her peers.

The managers also indicated that it was the overwhelming opinion of his division's managers and supervisors that the hours outside of the 7:30 a.m. to 5:30 p.m. timeframe are of no advantage to the Government, and that productivity probably suffers.

Their evaluation of the AWS is as follows:

Positive Aspects

- ° Opportunity to accommodate the employee's personal needs
- ° At times, reduces the need for OT/CT.

Negative Aspects

- ° Difficult to supervise
- ° Increases possibility for errors in timekeeping and reporting.
- ° Work hours do not coincide with normal business hours.
- ° Further complicates scheduling of meetings, work and office coverage.
- ° Increases the need for OT/CT when employee has to work on scheduled day off.
- ° Deadlines may be missed.
- ° Productivity may decrease.

The manager indicated that, based on their own evaluation by supervisors and managers, the AWS was not given a favorable review. He stated that he will ask the Planning and Analysis Branch to perform the assessment for a non objective evaluation.

The seventh manager, a Division Director, indicated that his supervisors were aware of the need to designate employees to act in their absence during the hours of the extended workday. It was his opinion that, with regard to the Compressed Workweek and Alternate Work Schedule, the coordination and communication problems between individuals and between (and within) organizations were heightened. He felt that part of the problem could be resolved by simply reestablishing the earliest starting time to 7:30 a.m.

In addition to his own comments, he provided the results of a brief survey concerning the compressed workweek among his supervisors. The results of that survey are as follows:

1. Your Work Schedule

a. Flexitime only	(35%)
b. Compressed Workweek (CWW)	(65%)
2. Did you participate in CWW at the beginning but later drop out?

a. Yes	(10%)
b. No	(90%)
3. Did you choose not to participate in CWW at first but later change your schedule from flexitime to CWW?

- a. Yes (29%)
- b. No (71%)

4. Since CWW began, coordination between my work unit and other units has been:

- a. Enhanced (6%)
- b. No change (67%)
- c. Hindered (27%)

5. Under CWW, my immediate work unit meets its deadlines:

- a. More frequently (19%)
- b. No change (78%)
- c. Less frequently (3%)

6. In general, how would you rate your unit's service to the States and public since the start of CWW?

- a. Better (39%)
- b. No Change (55%)
- c. Worse (6%)

7. Because of CWW, contacts with individuals outside EPA are now:

- a. More easily made (39%)
- b. No change (48%)
- c. More difficult (12%)

8. Because of CWW, contacts with individuals inside EPA, Region V are now:

- a. More easily made (12%)
- b. No change (48%)
- c. More difficult (39%)

9. Would you prefer this Division to discontinue using CWW?

- a. Yes (21%)
- b. No. (79%)

10. Please provide a summary of the work schedules your employees use (example attached

	<u>Excluding Supervisors</u>	<u>Including Supervisors</u>
CWW	(57%)	(59%)
Flexitime	(43%)	(41%)

- I. Purpose: This Order describes policy on Alternative Work Schedules for Region V.
- II. Policy: It is the policy of this Region to implement provisions of the Alternate Work Schedules (AWS) programs in accordance with Public Law 97-221, The Federal Employees Flexible and Compressed Work Schedules Act of 1982.

Employees will be permitted to select a starting time other than 8:15 a.m. by working under a flexible work schedule or compressed workweek plan, provided:

- a. Employee's immediate supervisor approves.
 - b. Each employee continues to meet his or her job commitment in performance of duties and responsibilities.
 - c. The Division or Office Director determines operations and functions of the work unit, productivity, service to the public and the mission of the Region will not be impaired.
 - d. Employees request changes in their AWS tour no more frequently than once per pay period for Flexible Schedules and once per quarter for Compressed Workweek. Approved changes become effective on the first Monday of the first full pay period following approval unless stated otherwise by the approving supervisor.
 - e. Management reserves the right to terminate the AWS program in part or in its entirety at anytime that it is determined that employees are abusing the provisions of the program, productivity or quality of work are declining, service to the public is hindered, or mission accomplishment is being adversely affected.
- III. Coverage. The AWS program is applicable to all full-time employees in Region V (including Public Health Service Commissioned Officers) and to part-time employees scheduled to work at least 16 hours per week. Temporary employees may be included in the AWS program subject to approval of the immediate supervisor.
- IV. Responsibilities: The AWS program is designed to accommodate most employees, however, it must have no adverse impact on Region V's ability to meet its mission.
- a. Regional Administrator.
 - (1) Reviews and approves or disapproves AWS requests for the Regional Administrator's staff, and Division and Office Directors.
 - (2) Reviews and approves or disapproves Division and Office Director's requests for termination of the AWS program within their functions.
 - b. Division Directors and Office Directors.
 - (1) Review and approve or disapprove AWS requests for all personnel reporting directly to them.

- (2) Are responsible for insuring that the AWS program does not inhibit accomplishment of the mission, cause delays in accomplishment of assigned duties and tasks, or hinder productivity or service to the and tasks, or hinder productivity or service to the public.
- (3) Assure that all subordinate supervisors are aware of their responsibilities under the AWS program.

c. Branch, Section, or Unit Chiefs.

- (1) Assures that there is adequate office coverage each work day. The goal is to have at least 75% of staff scheduled to work on all work days.
- (2) Reviews and approves or disapproves AWS requests for all personnel reporting directly to them.
- (3) Assures that accurate records are maintained covering time and attendance of employees.
- (4) Assures that the Branch, Section or Unit operation is not impaired as a result of approving AWS requests.

d. Employees.

- (1) Prepare and submit EPA Region V Form RV 3110.1, Request of Flexible Hours or Compressed Schedule for Compressed Workweek form if they desire to take part in the AWS program.
- (2) Employees are responsible for adhering to their AWS schedules as approved in advance by their supervisors.
- (3) Employees are responsible for assuring that the quality and quantity of work are maintained.

V. General Provisions.

- a. All employees are required to work the core hours of 9:00 a.m. to 4:00 p.m., which includes a minimum lunch period of 30 minutes.
- b. Lunch periods will not begin prior to 11:00 a.m., nor end after 2:00 p.m., and can be 30, 45, or 60 minutes.
- c. Compressed Workweek: EPA Region V will be open five days a week Monday through Friday. Employees utilizing a compressed workweek are not permitted to start work earlier than 7:00 a.m., and are not permitted to work later than 5:30 p.m. The compressed workweek schedule compresses 80 hours of work into nine days of scheduled work every pay period. This means one week per pay period of five days, the other week of four days. Eight of the days are nine-hour days, and one day is eight hours. Each employee must secure their supervisor's approval of the intended schedule before they begin to work under it.

Part-time employees (those working from 16 to 32 hours per week) are allowed to work compressed workweek with approval of their supervisors.

- d. Flexible Schedule: Employees who wish to work a tour of duty other than that of 8:15 a.m. to 4:45 p.m., must submit a request to their supervisor for approval of their schedule. Flexible work schedules will involve a set tour of eight hours of work per day. Core hours and lunch hours are the same as those identified in a. and b. above. Core hours must be worked. An employee is not permitted to start work before 7:00 a.m. and is not permitted to start work later than 9:00 a.m. Employees are not permitted to leave before 4:00 p.m., or later than 5:30 p.m. For example, an employee arrives (on a scheduled tour) at 7:30 a.m., takes 30 minutes for lunch, and goes home at 4:00 p.m.. Eight hours of work is required to be performed each day, employees cannot work six hours one day and ten hours the next. Employees are required to take a minimum lunch period of 30 minutes. When it is necessary to make a temporary adjustment to an employee's flexible tour schedule, the supervisor should explain in specific terms and in writing why, and how long the flexible tour will be modified, not less than 1 working day prior to such adjustment. Emergency situations will not require prior written notice by the supervisor. Please note that part-time employees as identified in c above may take part in flexible schedules, with the approval of their supervisor.
- e. Under c. and d. above, a supervisor can change the tour of duty of the employee to conform with hours of training or other particular cases.

VI. Absences and Leave Under Compressed Workweek

a. Holidays - Full-time employees.

When a holiday falls on one of the full-time employee's regularly scheduled workdays, the employee will be credited with Holiday Leave for the number of hours he/she was scheduled to work that day. When a employee has three consecutive non-workdays off (Friday, Saturday & Sunday) and a holiday falls on the employee's first or second non-workday, (Friday or Saturday) the preceding workday (Thursday) shall be designated as the "in lieu of holiday." When the holiday falls on the third non-workday, (Sunday) the next workday (Monday) shall be designated as the "in lieu of holiday." When an employee's designated day off is Tuesday, Wednesday or Thursday and a holiday falls on that day, the employee will be allowed either the day before or the day following as an "in lieu of holiday," subject to supervisor's prior approval.

B. Holidays - Part-time Employees.

All preselected schedules for part-time employees will serve as the individual tour of duty in determining holiday and leave hours for part-time employees.

When a holiday falls on one of the part-time employee's regularly

scheduled workdays, the employee will be credited with holiday leave for the number of hours he/she is scheduled to work that day (not to exceed 8 hours). Part-time employees are not entitled to holiday leave when a holiday falls on a day when they are not scheduled to work.

c. Scheduling Compressed Day Off.

Employees may request their day off, subject to management approval, anytime during the bi-weekly pay period. The off day must be scheduled in advance and, if approved, will be in effect for 3 months. It may be changed only in the case of extenuating circumstances and with management approval. The chosen day off must remain constant each pay period for a full quarter, i.e., the same day every two weeks. For example, any employee wishing to change their day off for the months of October, November and December, should submit their request and receive approval sometime in September. Supervisors can make changes in the tour of duty and off day of the employee to conform to hours of training, appropriate office coverage, or other particular cases.

- d. Time off during an employee's scheduled workday must be charged to the appropriate leave category. For example, an employee who takes one day of annual or sick leave will be charged leave for the number of hours he or she was scheduled to work that day, i.e., if the employee's schedule calls for 9 hours of work, then 9 hours of leave must be charged.

COMPRESSED SCHEDULE FOR COMPRESSED WORKWEEK

To: _____

(Supervisor)

I request that under the Compressed Workweek Program the following days and work hours be established as my tour of duty effective _____.

WEEK 1	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
START					
STOP					
WEEK 2	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
START					
STOP					

Signature of Employee _____ Date _____

1st Level Supervisor _____ Date _____

Signature

____ approved ____ disapproved

REQUEST FOR FLEXIBLE HOURS

To: _____

(Supervisor)

I request that my work hours be established from _____
to _____ daily. I request that my lunch hour be _____
(30, 45, or 60) minutes in length.

Employee Signature

Date

☐ Approved

☐ Disapproved

Immediate Supervisor

Date

Reason for Disapproval: _____